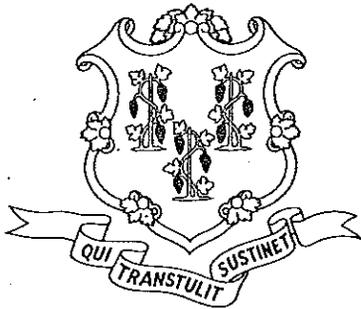


# State Board of Registration For Professional Engineers and Land Surveyors

Connecticut

General Assembly



LEGISLATIVE  
PROGRAM REVIEW  
AND  
INVESTIGATIONS  
COMMITTEE

**SUNSET 1982**

Volume III-2  
January 1982

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

1981-82 Committee Members

Senate

Nancy L. Johnson, Co-chairman  
M. Adela Eads  
John C. Daniels  
Margaret E. Morton  
Amelia P. Mustone  
Carl A. Zinsser

House

Joseph H. Harper, Jr., Co-chairman  
William J. Cibes, Jr.  
J. Peter Fusscas  
Carol A. Herskowitz  
Dorothy K. Osler  
William J. Scully, Jr.

Committee Staff

Michael L. Nauer, Ph.D., Director  
Kenneth L. Levine, Staff Attorney  
Anne E. McAloon, Program Review Coordinator  
George W. McKee, Sunset Review Coordinator  
L. Spencer Cain, Program Analyst  
Catherine McNeill Conlin, Program Analyst  
Debra S. Eyges, Program Analyst  
Jill E. Jensen, Program Analyst  
Leslee L. Meltzer, Program Analyst  
Toby R. Moore, Ph.D., Program Analyst  
Gary J. Reardon, Program Analyst  
Lillian B. Crovo, Administrative Assistant  
Mary Lou Gilchrist, Administrative Assistant

Staff on this Project

Toby R. Moore, Ph.D., Principal Analyst

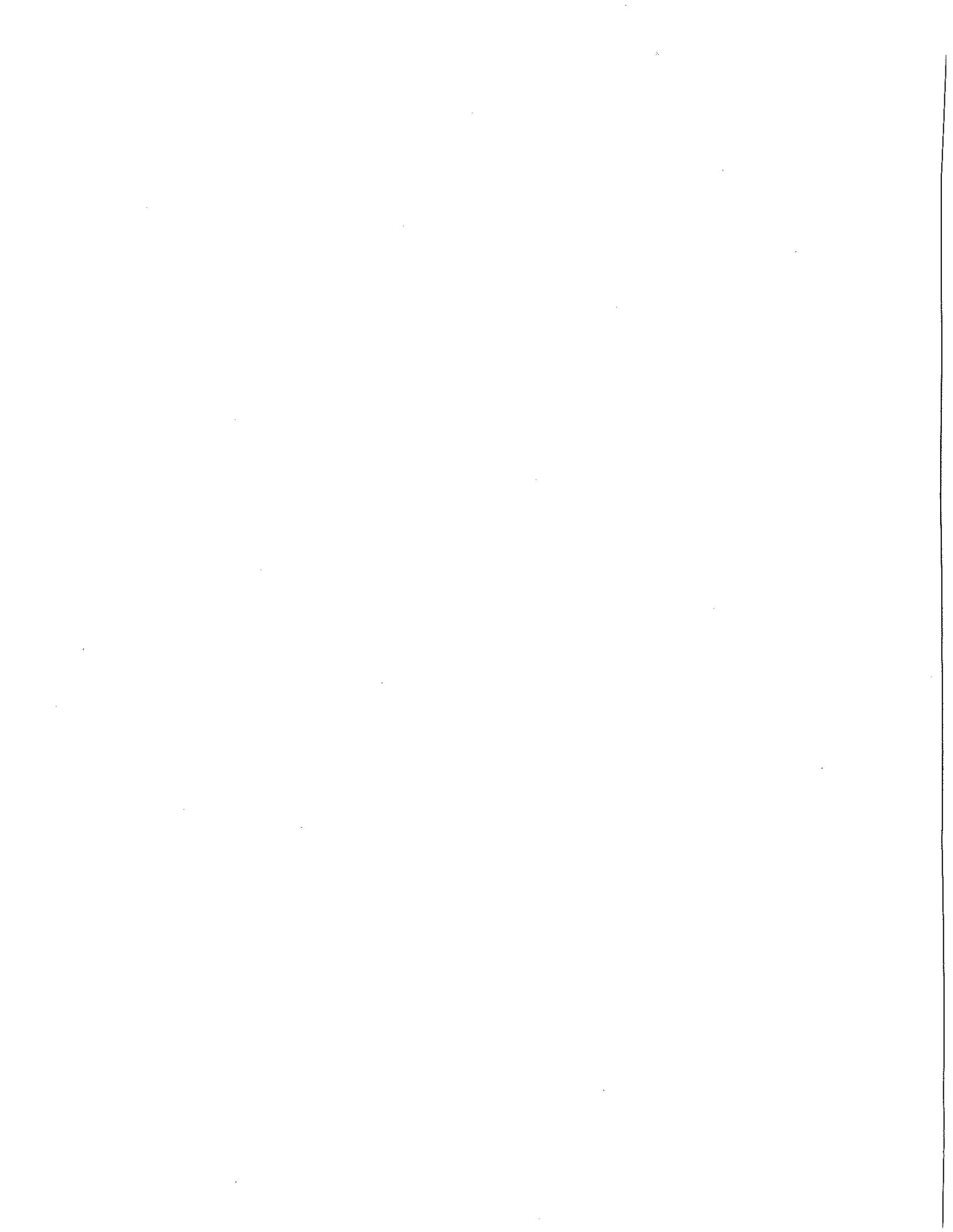
Legislative Office Building, 18 Trinity St., Hartford, CT 06115 (203) 566-8480

SUNSET REVIEW 1982

STATE BOARD OF REGISTRATION  
FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

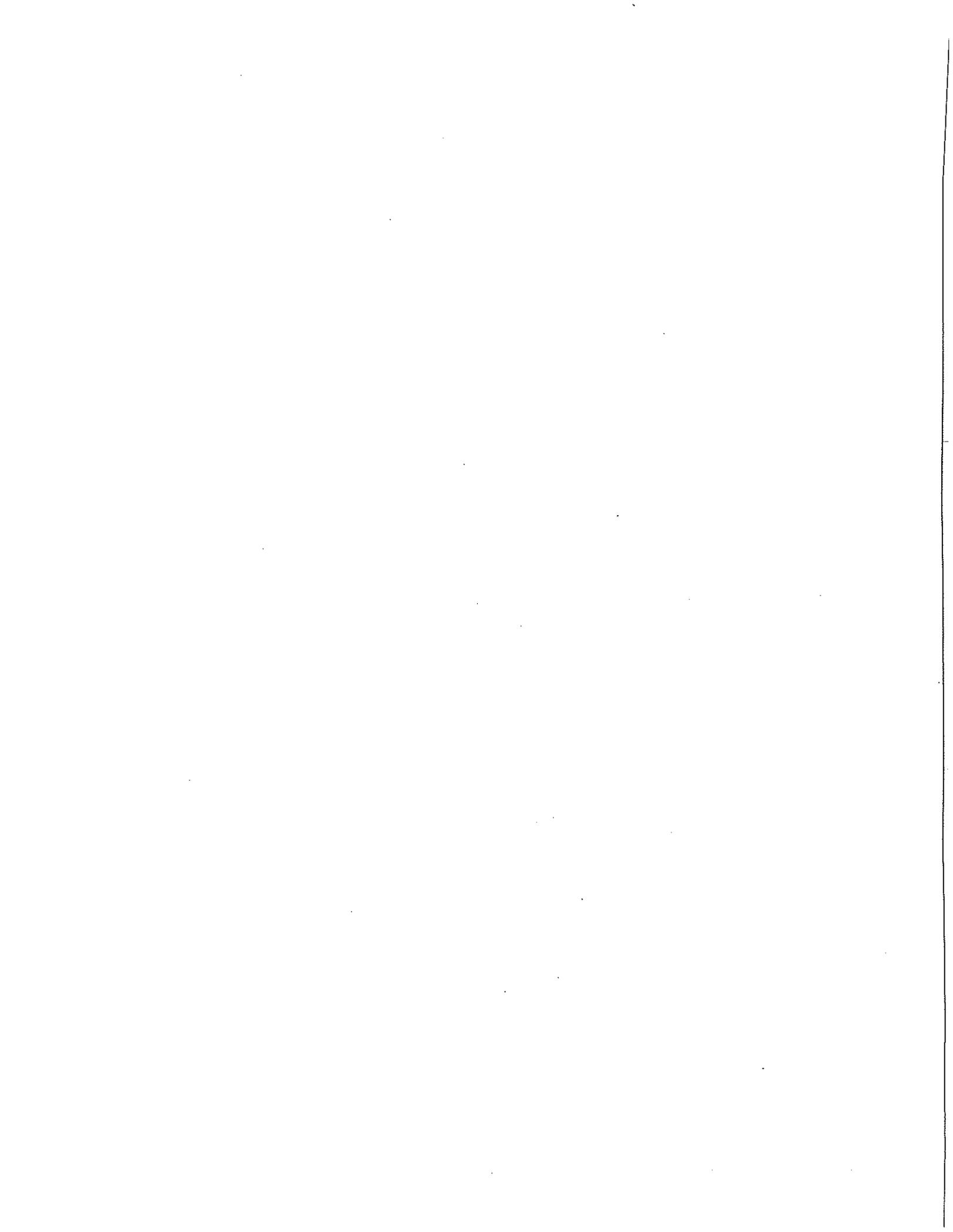
VOL III - 2

JANUARY 1982



## TABLE OF CONTENTS

SUMMARY.....	iii
I. INTRODUCTION.....	1
Purpose and Authority for Sunset Review.....	1
Methodology.....	2
II. BACKGROUND.....	3
Legislative History.....	3
Nature of the Professions.....	5
Other States.....	6
Structure.....	6
Purpose, Powers, and Duties.....	7
Fiscal Information.....	7
III. ACTIVITIES.....	9
Statistics.....	9
Licensing Process.....	9
Complaint Process.....	11
IV. ANALYSIS AND RECOMMENDATIONS.....	13
APPENDICES.....	17
A. General Provisions for Boards and Com- missions Within the Department of Consu- mer Protection.....	19
B. Summary Sheet.....	25
C. Composite Picture of a Board Meeting....	28
D. Criteria for Licensing.....	29
E. Complaint Procedures.....	31



STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Summary

Regulation of engineers was initiated in Connecticut in 1930 with the formation of the State Board of Civil Engineers; regulation of land surveyors was initiated in 1935 when the board was expanded by statute and became the State Board of Registration for Professional Engineers and Land Surveyors. It was empowered to oversee standards for the profession and handle complaints. Simultaneously, criteria for licensure were established which included education, experience, and an examination.

The twelve member State Board of Registration for Professional Engineers and Land Surveyors is currently under the Department of Consumer Protection. The board sets standards for admission to the profession and maintains standards for the practice of the profession by:

- determining the eligibility of candidates for the examination and exemptions from the examination
- prescribing the examination, with the consent of the commissioner of consumer protection, and supervising its administration
- approving the issuance of licenses
- prescribing and furnishing applications for licenses
- mailing notices of license renewal
- receiving complaints, conducting hearings, censuring licensees, and suspending or revoking licenses for fraud, misrepresentation, deceit, gross negligence, incompetence, misconduct in professional practice or violation of statute or regulation

Connecticut has 5,671 professional engineers, 1,188 engineers-in-training, and 459 land surveyors. The board generated revenues in FY 1980 of \$203,075 through application and license fees. During the same period the Department of Consumer Protection recorded expenditures of \$49,153 for the board and

regulation of the profession. During 1980, 268 persons took the engineer-in-training examination and 181 passed; 248 took the engineer's examination and 164 passed; 65 took the land surveyor's examination and 16 passed.

In order to take the examination a person must have graduated from an approved school or college and practiced engineering for four years or land surveying for three years. Persons lacking the educational component may substitute additional years of experience; the board may also waive parts of the examination under certain circumstances. Routine applications are approved by the board secretary, a licensed professional engineer-land surveyor, while the board itself evaluates others, requiring more complex judgments, at its meetings.

The board has an established procedure for handling complaints. After a preliminary investigation, the board secretary is able to resolve many complaints. The remainder are presented to the board which decides whether an informal hearing is appropriate. Those complaints not resolved through an informal hearing may go on to a formal hearing.

The Legislative Program Review and Investigations Committee determined that the board played an active role in regulating the profession both through licensure and handling complaints. Both of these areas, on occasion, involve technical issues that require the expertise of members of the profession. Therefore, *the Legislative Program Review and Investigations Committee recommends that the State Board of Registration for Professional Engineers and Land Surveyors be continued.* In addition, the committee concluded that due to the diverse and sensitive nature of projects in which engineers and land surveyors may be involved, the public health, safety, and welfare could be gravely affected by any change in the level of regulation. Therefore, *the Legislative Program Review and Investigations Committee recommends the continued licensure of professional engineers and land surveyors.*

In addition, the committee made several recommendations, applicable to all boards with the Department of Consumer Protection, designed to standardize procedures and correct inequities.

## INTRODUCTION

### Purpose and Authority for the Sunset Review

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that there had been a proliferation of governmental entities and programs without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. This committee is charged, under the provisions of section 2c-3 of chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations, or policies, including budgetary and personnel policies.

In addition to the criteria contained in section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

In accordance with its legislative mandate, the Legislative Program Review and Investigations Committee reviewed sixteen entities and programs scheduled to terminate July 1, 1981. Contained in this report to the General Assembly is the result of the committee's review of the Board of Registration for Professional Engineers and Land Surveyors.

### Methodology

The Legislative Program Review and Investigations Committee's sunset review was divided into three phases. The initial step focused on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs, and accomplishments. Several methods were used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (including minutes, complaint files, test results and reports), and data and statutes of other states; (2) staff observations of numerous meetings held by each entity between January and August of 1981; (3) surveys of persons connected with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by, or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organized the information into descriptive packages and presented them to the committee. The presentations took place in public sessions designed to prepare committee members for the hearings, identify options for exploration, and alert entity officials to the issues the committee would pursue at the hearings. Seven public hearings concluded this phase.

The final step of the review involved committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepared decision papers and presented recommendations to the committee. The committee, in public sessions, then debated and voted upon recommendations for the continuation, termination or modification of each entity.

## BACKGROUND

### Legislative History

The State Board of Registration for Professional Engineers and Land Surveyors had its genesis in 1930 with the State Board of Civil Engineers, which was charged with the "supervision of all dams and reservoirs in any locality where, by the breaking away of the same, life and property may be in danger."<sup>1</sup> The board consisted of a civil engineer from each congressional district, appointed for two year terms by the Commissioner of Rivers, Harbors, and Bridges (himself a civil engineer), who was also a member of the board. They were enjoined to "formulate rules and keep records of all official acts" (Sec. 3002), to inspect, approve, and certify all dams and reservoirs (Sec. 3003), and to conduct hearings in the event of grievances (Sec. 3006).

In 1935 the legislature instituted several major changes. The jurisdiction of the board was expanded by statute (Chapter 167b), and it became the State Board of Registration for Professional Engineers and Land Surveyors, although membership was restricted to five professional engineers, appointed by the governor for terms of five years.<sup>2</sup> The board was given the "power to make all necessary rules and regulations and by-laws, not inconsistent with [the statutes],...subpoena witnesses,... require the production of books, papers and documents,...[and] administer oaths...to witnesses appearing before the board" in proceedings involving the revocation of registration or practice without registration (Sec. 1222c). All revenues from examinations, registrations, and renewals were to be kept in a "separate fund...specifically appropriated for the use of the board," and members were empowered to "make any expenditures of this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties" (Sec. 1223).

Chapter 167b of the 1935 statutes also established the qualifications for licensure of engineers and land surveyors. Engineers were required to graduate from an approved school and either pass an examination or be engaged in the active practice of the profession for four years. Land surveyors had the same

<sup>1</sup> General Statutes of Connecticut, 1930, Sec. 3001.

<sup>2</sup> Cumulative Supplement to the General Statutes, January Sessions: 1931, 1933, 1935, Sec. 1222c.

requirements, except that active practice need be only two years. In lieu of the education component, an examination plus eight years of experience for engineers and six for land surveyors were required for licensure. However, the act did contain a grandfather provision for engineers who had practiced for ten years and land surveyors who had practiced for eight years. Exempt from licensure were employees of licensed engineers or land surveyors, public utilities, manufacturing corporations, and the United States government. Reciprocity with other states, territories, and possessions was also established at the discretion of the board.

In 1949 architects were statutorily exempted from the provisions applicable to engineers and land surveyors,<sup>3</sup> and in 1957, with P.A. 546, the legislature defined "professional engineer" and "land surveyor" in terms of knowledge, practical experience, and professional service.

A major change was effected in the board's powers in 1959 (P.A. 616) with the termination of the Professional Engineers' Fund which allowed the board to use all revenues from examinations, applications, and renewals for any expenditures they deemed necessary for the performance of their duties. Henceforth, all revenues were to be turned over to the state treasurer.

In 1965, P.A. 469 empowered the board to employ an investigator in carrying out its statutory responsibilities. In subsequent years, several relatively minor changes were made in requirements for licensure, all of which, however, were in the direction of greater stringency. The composition of the board was changed in 1971 (P.A. 849) when two land surveyors were, for the first time, required to serve as board members. In 1977 the composition of the board was again changed when the number of engineers was reduced to two, and three public members were added (P.A. 77-614, Sec. 255). Simultaneously, the board was placed within the Department of Consumer Protection (Sec. 255), and the examinations were to be prescribed with the consent of the commissioner (Sec. 257 and Sec. 258). The commissioner was now to have authority to make all regulations "with the advice and assistance of the board" (Sec. 259). In 1979 the board assumed its present composition of twelve members: three professional engineers, three land surveyors, two combined engineer and land surveyors, and four public members.

---

<sup>3</sup> General Statutes of Connecticut, 1949, Chapter 225, Sec. 4631.

## Nature of the Profession

An engineer, according to statute, provides professional services "such as consultation, investigation, evaluation, planning, design or responsible supervision of construction, in connection with any public or privately owned structures, buildings, machines, equipment, processes, works or projects wherein the public welfare or the safeguarding of life, public health or property is concerned or involved."<sup>4</sup> Any more detailed or precise description of engineering would of necessity be voluminous because of the number of diverse specialties within the profession. Such specialties range from civil engineering to nuclear engineering to chemical engineering to ceramic engineering to biomedical engineering. Although certain aspects of both the training and the nature of the work performed are shared by some branches of the profession, other branches are involved in work so narrowly technical and/or scientific that they remain quite distinct. The profession is also undergoing changes as a result of an increasingly complex engineering technology which is being developed to meet the need for increasingly sophisticated engineering skills.

Engineering firms, as well as individual engineers, are almost exclusively employed by corporations, municipalities, and government agencies. Only on rare occasions do they provide their services to a private citizen. Most often these services are in such areas as the design of a subsurface septic system or remedies for foundation leakage for a home. However, despite the fact that engineers rarely deal directly with individuals as clients, the products and results of engineering are such that they do affect every citizen.

A land surveyor's practice, as defined by statute, includes "surveying and measuring the area of any portion of the earth's surface, the lengths and directions of the bounding lines and the contour of the surface, for their correct determination and description and for conveyancing or for recording, or for the establishment or reestablishment of land boundaries and the plotting of land and subdivisions thereof, and like measurements and operations involved in the surveying of mines."<sup>5</sup> Any private citizen or organization selling or buying land or wishing

---

<sup>4</sup> General Statutes of Connecticut, revised to 1981, Sec. 20-299.

<sup>5</sup> General Statutes of Connecticut, revised to 1981, Sec. 20-299.

to construct anything on land already owned may have need of the services of a land surveyor. Because of the nature of their work, land surveyors are frequently employed by the general public.

### Other States

Every state requires the licensing of both engineers and land surveyors.<sup>6</sup> A joint board or commission handles the regulation of the two professions in 37 states (in 8 states the joint board also regulates architects). In 20 states, including Connecticut, the boards or commissions are under the jurisdiction of a department or agency; in the remaining states they are independent.

### Structure

The State Board of Registration for Professional Engineers and Land Surveyors consists of twelve persons: three engineers, three land surveyors, four public members, and two combined engineer and land surveyor members, all appointed by the governor. The board is located within the Department of Consumer Protection.

### Purpose, Powers, and Duties

The State Board of Registration for Professional Engineers and Land Surveyors was established to set standards for admission to the professions and maintain standards for the practice of the professions. It does so by:

- determining the eligibility of candidates for the examination and exemptions from the examination
- prescribing the examination, with the consent of the commissioner of consumer protection, and supervising its administration
- approving the issuance of licenses
- prescribing and furnishing applications for licenses
- mailing notices of license renewal
- receiving complaints, conducting hearings,

---

<sup>6</sup> Comparative data is accurate as of 1980.

censuring licensees, and suspending or re-  
voking licenses for fraud, misrepresentation,  
deceit, gross negligence, incompetence, mis-  
conduct in professional practice or viola-  
tion of statute or regulation

Fiscal Information

The budget for the State Board of Registration for Pro-  
fessional Engineers and Land Surveyors is prepared by the De-  
partment of Consumer Protection, which has supplied the infor-  
mation listed below:

	<u>FY 1979-80</u>	<u>Estimated FY 1980-81</u>
Board Expenses	\$ 1,328	\$ 3,500
Staff Expenses	22,829	33,900
Other Expenses	15,390	20,100
Administrative Expenses	<u>9,606</u>	<u>18,157</u>
Total Expenses	\$49,153	\$75,657

It should be noted that these figures represent approximations  
of actual costs, as changes in budgetary procedures preclude  
determination of exact costs.

The licensing of engineers and land surveyors generates  
revenue through application fees as listed below:

<u>Application Fees</u> - Engineers	\$50
Land Surveyors	\$25
Combined	\$50
Engineers-in-Training	\$25

and through renewal fees of \$35. Revenues generated for FY 1980  
and FY 1981 are as follows:

<u>Applicants</u>	<u>FY 79-80</u>	<u>FY 80-81</u>
Engineers-in-Training	\$ 8,425	\$ 6,900
Engineers	14,800	16,400
Land Surveyors	1,850	*

---

\* Complete figures not available

<u>Renewals</u>	<u>FY 79-80</u>	<u>FY 80-81</u>
Engineers and Combined Land Surveyors	\$175,260 2,740	\$181,275 *
<u>Total Revenues</u>		
Engineers and Combined Land Surveyors	\$198,485 4,590	\$204,575 4,550

The breakdown of revenue figures leading to the total is, of necessity, an approximation as the Department of Consumer Protection does not separate renewals for those holding engineering licenses and those holding combined licenses, nor does it have figures on how many applicants take both the engineer's and land surveyor's examinations. In addition, the \$25 application fee of an engineer-in-training is later applied to his or her application fee for a professional engineer's license, and the department does not separate the revenues received for these two licenses. The total difference between revenues and expenditures for the board are listed below:

	<u>FY 1980</u>	<u>FY 1981 (Estimated)</u>
Revenues	\$203,075	\$209,125
Expenditures	<u>49,153</u>	<u>75,657</u>
Total difference	\$153,922	\$133,468

---

\* Complete figures not available

## ACTIVITIES

### Statistics

Below is an outline of annual statistics for the State Board of Registration for Professional Engineers and Land Surveyors.

Number of meetings:	12 per year
Average attendance:	7 members
Average length:	3½ hours
Number of complaints:	10 complaints (1980)
Number of licensees (1980)	
Engineers and combined:	5,671
Engineers-in-training:	1,188
Land surveyors:	459
Applicants (1980)	
Engineers:	296
Engineers-in-training:	337
Land surveyors:	74

### Licensing process

The use of the titles "professional engineer" and "land surveyor" and the practice of those professions in Connecticut are restricted to those who have "been registered or exempted under the provisions of" Chapter 391 of the General Statutes of Connecticut (Sec. 20-302). Among the exemptions are supervised employees of licensed engineers and land surveyors, and of the United States government, corporations under the department of public utility control, corporations engaged in manufacturing or scientific research and development where engineering is incidental to other activities, and architects.

In order to become a licensed professional engineer or land surveyor, an individual must pass the appropriate uniform national examination designed by the National Council of Engineering Examiners. In addition, because of "wide differences in the methods of recording and mapping land surveys in the various states,"<sup>7</sup> land surveyors in Connecticut, as in most states, take a state-oriented examination designed by the board.

To be eligible to take the engineer's examination a candidate must have either:

---

<sup>7</sup> The Registration of Professional Engineers and Land Surveyors in the United States (National Council of Engineering Examiners, 1978), p. 9.

- graduated from an approved school or college of engineering and
- practiced engineering for four years

or:

- practiced engineering for six years.

The board may waive part of the examination for an applicant who is at least fifty years old and has twenty years of engineering experience or is "over forty years of age, has completed an approved course in engineering and has at least eight years of engineering experience."<sup>8</sup> In addition, "the board may certify as an engineer-in-training" an individual who has "passed the first part of the examination," such certification remaining in effect for ten years or until the remainder of the examination is passed.<sup>9</sup>

To be eligible to take the land surveyor's examination, an applicant must have either:

- graduated from an approved school or college and
- practiced land surveying for three years

or:

- practiced land surveying for six years.

The board may waive part of the examination for an applicant who is at least fifty years old and has worked as a surveyor for sixteen years, with a minimum of ten years as a land surveyor. In all cases, the board has the statutory right to evaluate and accept or reject the experience component of an applicant's requirements for licensure.

In addition to the statutory requirements described above, the board requires the application to be signed by five "endorsers," four of whom must be members of the profession. The board is empowered to waive the examination and grant licensure to an engineer or surveyor licensed in another state, a territory, or a possession, provided the standards are at least equal to

---

<sup>8</sup> General Statutes of Connecticut, revised to 1981, Sec. 20-302.

<sup>9</sup> Ibid., Sec. 20-302.

those of Connecticut. All applications are reviewed by the secretary of the board. Those that are questionable or require professional judgment are submitted to the board for its approval or disapproval.

From July 1, 1979 to June 30, 1980, the number of persons applying for, taking, and passing the examinations was as follows:

	<u>Applicants</u>	<u>Exam Takers</u>	<u>Persons Passed</u>
Engineers-in-training	337	268	181
Engineers	296	248	164
Land surveyors	74	65	16

The examinations are graded under the auspices of the National Council of Engineering Examiners, except for the portion pertaining to land surveying in Connecticut. At the present time, the board accepts as a passing score for both professions "the recommended score furnished...by the National Council of Engineering Examiners."<sup>10</sup> Between July 1, 1979 and July 1, 1980, the following licenses were renewed:

Engineers and combined	5507
Land surveyors	443

### Complaint Process

The board is empowered to receive complaints and conduct hearings. Upon findings of fraud, misrepresentation, deceit, gross negligence, incompetence, misconduct in professional practice, or violation of statute or regulation, the board may censure a licensee or suspend or revoke a license.

Complaints received by the Department of Consumer Protection or the board are generally referred to the board secretary. Most are resolved or dismissed at this point as they are either inappropriate (e.g. disagreement over price) or more in the nature of inquiries. For those complaints which are to be followed up, the secretary asks the department to assign an investigator. The secretary then reviews the investigator's report and decides whether the complaint should be dismissed or go on to the informal hearing stage. If a hearing is to follow, the board appoints a hearing officer (a department staff person; never a

---

<sup>10</sup> Joseph Cermola; Chairman, State Board of Registration for Professional Engineers and Land Surveyors, Public hearing testimony, June 19, 1981, p. 49.

board member). The informal hearing is essentially for information gathering and compliance review, although the defendant may be represented by counsel. If the complaint cannot be resolved in an informal manner, the next step is a formal hearing before the full board.<sup>11</sup>

The board receives 10 to 15 valid complaints each year. During 1980, the board received 10 valid complaints: seven related to improper survey of land, two involved engineering plans signed by an unlicensed engineer, and one concerned an ethical issue (conflict of interest). For the 18 month period spanning 1980 and part of 1981, three informal hearings were held at which the hearing officer was a member of the Department of Consumer Protection and a department attorney was present. During the same period one formal hearing, conducted by the full board, was held.

---

<sup>11</sup> This procedure, in its present structured format, has been in existence for less than one year, although various stages were implemented earlier.

## ANALYSIS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee's analysis and evaluation of professional engineers and land surveyors focused on both the State Board of Registration for Professional Engineers and Land Surveyors and on the regulation of the profession.

In relation to the board, the committee sought to determine, under its statutory mandate, the manner in which the board had "processed and resolved public complaints."<sup>12</sup> Staff examination of Department of Consumer Protection files revealed a backlog of complaints that antedates the procedure in effect at the present time. When queried by the committee, the board chairperson indicated that "some [complaints]...go back prior to reorganization."<sup>13</sup> The board secretary pointed out that the board was "suffering from a lack of staff,...[but] it's just a matter of time before we're going to be able to catch up with existing complaints and to work into the backlog on the old complaints."<sup>14</sup> The board chairperson further testified that although the board does not conduct "the investigation of complaints per se...[it does promptly] determine whether there should be a hearing or not" upon a case's referral to the board by the department.<sup>15</sup>

Committee staff attended board meetings from February to June 1981. Applications for examinations and requests for waivers were reviewed at each meeting. There was no evidence of any attempt to restrict qualified applicants for the examination (except as they are currently restricted by statute); rather every attempt was made by the board to promptly inform individuals of the status of their applications.

In deciding whether or not to terminate the State Board of Registration for Professional Engineers and Land Surveyors, the committee focused on two major activities of professional boards: licensing and handling complaints. Although the examinations are almost entirely graded by the National Council of Engineering

---

<sup>12</sup> General Statutes of Connecticut, revised to 1981, Sec. 2c-7.

<sup>13</sup> Joseph Cemola, Public hearing testimony, June 19, 1981, p. 66.

<sup>14</sup> John Casey, Public hearing testimony, June 19, 1981, p. 69.

<sup>15</sup> Joseph Cemola, Public hearing testimony, June 19, 1981, p. 65.

Examiners, the surveyor members of the board must prepare and grade that section of the examination that refers to Connecticut regulations and practices. Indeed, until this year, when "the National Council of Engineering Examiners went to a new method [of establishing the recommended score] that we [the board] find to be defensible and acceptable," the board "adopted [land surveying] scores that were higher than the recommended score."<sup>16</sup> Previously, the passing score was "heavily weighted down by...[a] group of repeaters"<sup>17</sup> comprising as much as 50 percent of the exam takers nationwide who had "not been trained...[and had little] formal education."<sup>18</sup> In addition, because of the constantly changing nature of engineering in an increasingly technological society, the board must make fine determinations in areas of eligibility and facets of the examination and its administration.

The board has an established procedure for handling complaints. After they are screened by the board secretary, those that are not resolved are brought before the board. Although the facts known at that point are presented, the names of complainants and defendants are not, in order that, if the matter comes to a formal hearing, there will be no legal deterrent to the board's participation. If the board determines there should be an informal hearing, it assigns a hearing officer who is a member of the Department of Consumer Protection but not a member of the board. The board itself does not participate in the informal hearing. After the informal hearing, which is essentially for compliance and information gathering, the matter is brought before the board which, on the basis of a summary prepared by the secretary, votes on whether or not to issue a complaint. If the board decides to issue a complaint, formal hearing procedures go into effect. The board chairperson elects a member as the formal hearing officer, and the hearing is attended by board members, counsel, plaintiff, defendant, and other interested parties. At the conclusion of the hearing, the board votes on whether or not to invoke any of the disciplinary actions allowed under statute.

As a result of the foregoing evaluation, the Legislative Program Review and Investigations Committee determined that the board played an active role in regulating the profession both

---

<sup>16</sup> Joseph Cermola, Public hearing testimony, June 19, 1981, p.50.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

through licensure and handling complaints. Both of these areas on occasion involve technical issues that require the expertise of members of the profession. Therefore, *the Legislative Program Review and Investigations Committee recommends that the State Board of Registration for Professional Engineers and Land Surveyors be continued.*

In examining the regulation of the professions, the committee sought to determine whether a level of regulation other than licensing or whether deregulation would be most appropriate, while not endangering the public health, safety, or welfare. During interviews with committee staff and at the public hearing, engineers and surveyors testified that the continued licensing of their professions is necessary because improper practice of the professions would result in conditions dangerous to the public. Engineers design such "facilities...as water treatment plants, pollution control plants,...[and] subsurface disposal systems" and such structures as "highways [and] bridges," as well as involve themselves in "traffic control [and] flood control" projects. Land surveyors, who deal largely with the general public, must ensure that "the property rights of all adjoining property owners must be protected."<sup>19</sup> "Incompetent or dishonest surveyors...could create severe economic problems by establishing incorrect property boundaries and corners."<sup>20</sup>

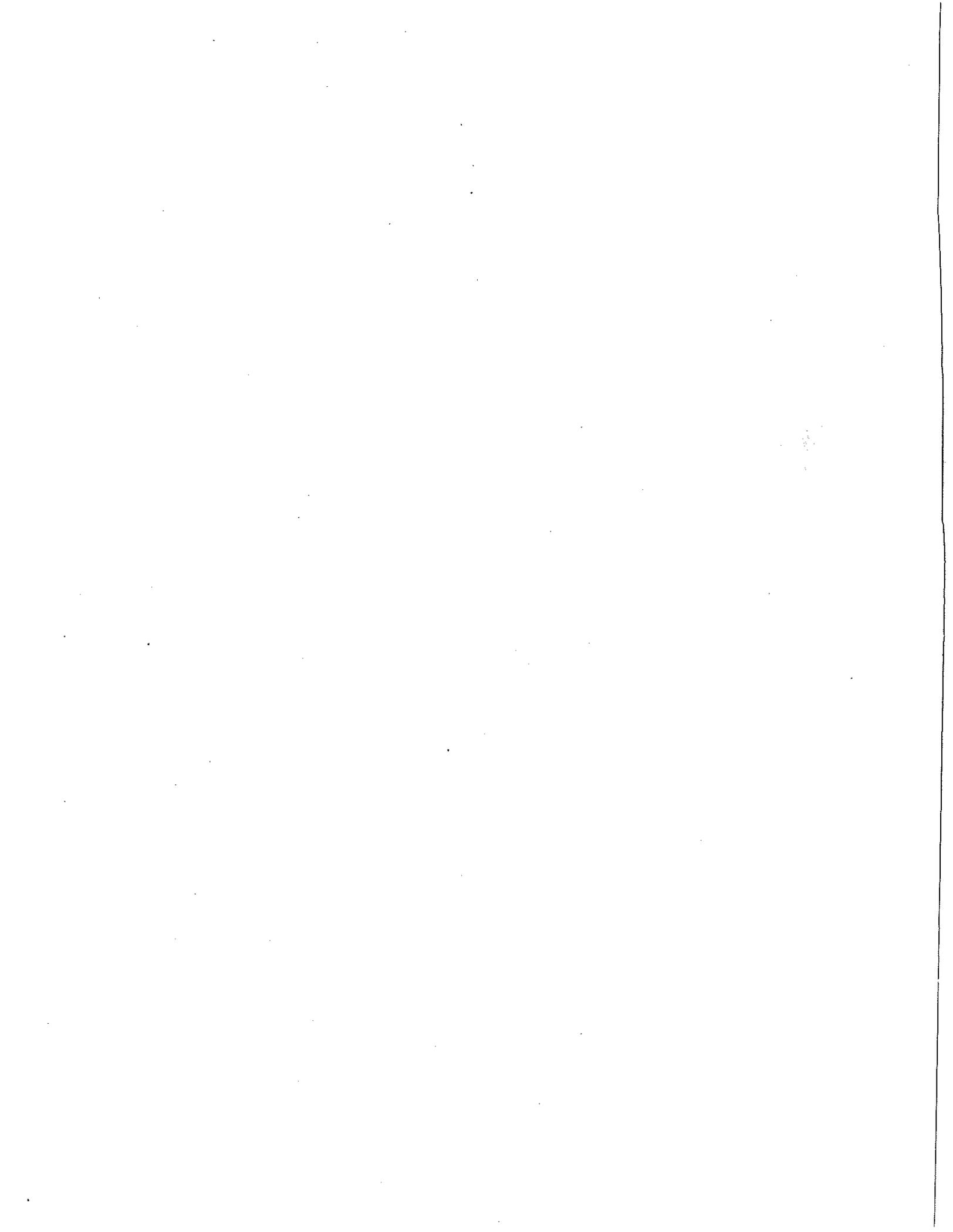
The committee concluded that due to the diverse and sensitive nature of projects in which engineers and surveyors may be involved, the public health, safety, and welfare could be gravely affected by any change in the level of regulation. Therefore, *the Legislative Program Review and Regulations Committee recommends the continued licensure of professional engineers and land surveyors.*

The Legislative Program Review and Investigations Committee has also made a series of recommendations applicable to all professional and occupational boards within the Department of Consumer Protection (see Appendix A). These recommendations are designed to establish uniform policies and procedures for the boards, thereby enhancing their ability to function effectively within the department.

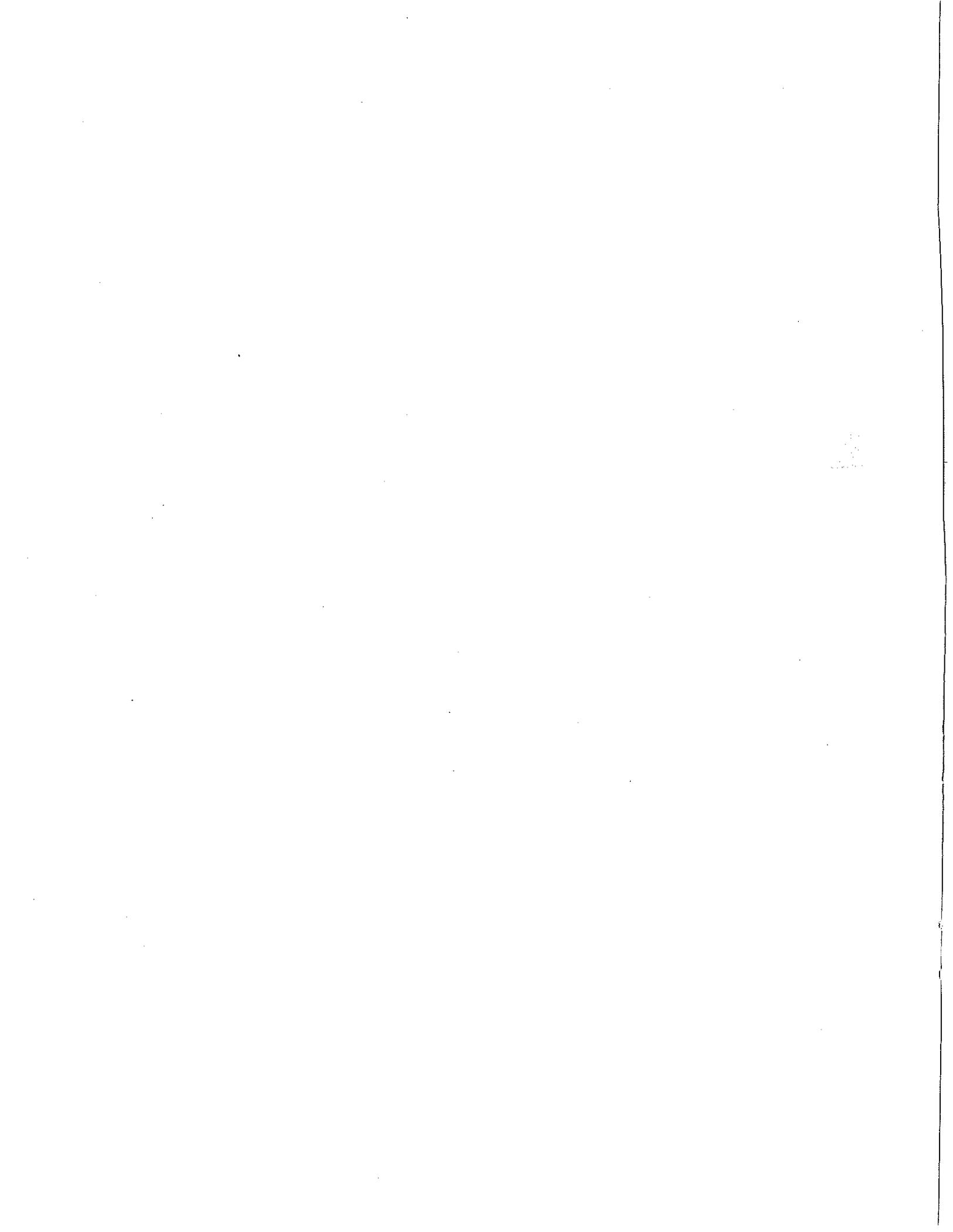
---

<sup>19</sup> Joseph Cermola, Public hearing testimony, June 19, 1981, p. 44.

<sup>20</sup> Ibid., p. 48



## APPENDICES



## APPENDIX A

### General Provisions for Boards and Commissions within the Department of Consumer Protection

While reviewing the entities within the Department of Consumer Protection, the Legislative Program Review and Investigations Committee discovered a number of procedural problems common to all boards and commissions. Rather than address them individually, the committee chose to develop a single set of standards and recommend they be applied uniformly to all boards and commissions in the Department of Consumer Protection.

#### I. Meetings and Quorum

EACH BOARD AND COMMISSION SHALL MEET AT LEAST ONCE IN EACH QUARTER OF A CALENDAR YEAR AND AT SUCH OTHER TIMES AS THE CHAIRPERSON DEEMS NECESSARY OR AT THE REQUEST OF A MAJORITY OF THE BOARD OR COMMISSION MEMBERS. A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A QUORUM. ANY MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE MEETINGS OR WHO FAILS TO ATTEND FIFTY PERCENT OF ALL MEETINGS DURING ANY CALENDAR YEAR SHALL BE DEEMED RESIGNED FROM OFFICE.

Commentary: The intent of this provision is the automatic elimination from boards and commissions of those members who habitually fail to attend meetings. It is consistent with what the committee recommended and the General Assembly adopted (P.A. 80-484) with respect to licensing boards in the Department of Health Services.

#### II. Terms of Office

MEMBERS OF THE BOARDS AND COMMISSIONS UNDER THE DEPARTMENT OF CONSUMER PROTECTION SHALL BE PROHIBITED FROM SERVING MORE THAN TWO CONSECUTIVE FULL TERMS.

Commentary: In some cases members of the boards and commissions have served since the entity's inception. The committee's recommendation would prevent this practice from continuing, thereby insuring the introduction of a fresh perspective to the boards and commissions.

#### III. Compensation

MEMBERS SHALL NOT BE COMPENSATED FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

Commentary: Currently there is no consistent policy for compensation of board and commission members. For example, pharmacy commissioners receive a flat rate (\$1,500 chairman, \$500 regular members), members of the occupational licensing boards are entitled to \$48.00 per day plus expenses, and real estate commissioners receive only expenses. This provision would establish a uniform compensation system for members of boards and commissions within the department and would save the state approximately \$25,000.

#### IV. Grounds for Disciplinary Action

1. KNOWINGLY ENGAGING IN FRAUD OR MATERIAL DECEPTION IN ORDER TO OBTAIN A LICENSE UNDER THIS CHAPTER OR DOING SO IN ORDER TO AID SOMEONE ELSE IN OBTAINING A LICENSE.
2. PERFORMING WORK BEYOND THE SCOPE OF THE LICENSE ISSUED BY THE BOARD OR COMMISSION.
3. ILLEGAL USE OR TRANSFER OF LICENSE ISSUED BY THE BOARD OR COMMISSION.
4. PERFORMING GROSSLY INCOMPETENT OR NEGLIGENT WORK.
5. KNOWINGLY MAKING FALSE, MISLEADING, OR DECEPTIVE REPRESENTATIONS TO THE PUBLIC REGARDING THE WORK TO BE PERFORMED OR COVERED BY THE GOVERNING CHAPTER.
6. VIOLATING ANY PROVISION OF THE GOVERNING CHAPTER OR ANY RULES AND REGULATIONS ESTABLISHED THEREUNDER.

Commentary: The grounds identified above are limited to actions which are intended to deceive a governmental authority or practices which directly endanger the public's health, safety or welfare. In general, they either restate, clarify, or unify provisions outlined in the existing statutes and make them applicable to all boards and commissions in the Department of Consumer Protection. The list eliminates vague and difficult-to-enforce grounds such as immoral or unethical conduct. It also eliminates grounds for disciplinary action which are not directly related to a practitioner's competence, including conviction of a felony and drug addiction.

The committee did not intend adoption of the above to preclude grounds unique to a particular profession or occupation from being retained or added to the appropriate chapter.

## V. Receiving and Processing Complaints

THE DEPARTMENT OF CONSUMER PROTECTION SHALL RECEIVE COMPLAINTS CONCERNING THE WORK AND PRACTICES OF PERSONS WHOM IT LICENSES. THE DEPARTMENT SHALL DISTRIBUTE MONTHLY A LIST OF ALL COMPLAINTS RECEIVED WITHIN THE PREVIOUS MONTH TO THE CHAIRPERSON OF THE APPROPRIATE BOARD.

THE DEPARTMENT OF CONSUMER PROTECTION SHALL SCREEN ALL COMPLAINTS AND DISMISS ANY IN WHICH THE ALLEGATION, IF SUBSTANTIATED, WOULD NOT CONSTITUTE A VIOLATION OF ANY STATUTE OR REGULATION. NOTICE OF ALL SUCH DISMISSALS SHALL BE DISTRIBUTED MONTHLY TO THE CHAIRPERSON OF THE APPROPRIATE BOARD.

THE DEPARTMENT OF CONSUMER PROTECTION SHALL INVESTIGATE ANY COMPLAINT IN WHICH THE ALLEGATION, IF SUBSTANTIATED, WOULD CONSTITUTE A VIOLATION OF A STATUTE OR REGULATION UNDER ITS JURISDICTION. IN CONDUCTING THE INVESTIGATION, THE COMMISSIONER MAY SEEK THE ASSISTANCE OF A MEMBER OF THE APPROPRIATE BOARD, AN EMPLOYEE OF ANY STATE AGENCY WITH EXPERTISE IN THE AREA, OR, AS A LAST RESORT, A PERSON FROM OUTSIDE STATE SERVICE LICENSED TO PERFORM THE WORK INVOLVED IN THE COMPLAINT. ANY BOARD MEMBER INVOLVED IN AN INVESTIGATION SHALL NOT PARTICIPATE IN ANY FURTHER DISCIPLINARY PROCEEDINGS.

THE COMMISSIONER OF THE DEPARTMENT OF CONSUMER PROTECTION MAY DISMISS A COMPLAINT FOLLOWING AN INVESTIGATION IF IT HAS BEEN DETERMINED THAT THERE IS NO PROBABLE CAUSE. NOTICE OF ANY DISMISSAL SHALL BE GIVEN ONLY AFTER APPROVAL BY THE CHAIRPERSON OF THE APPROPRIATE BOARD OR COMMISSION. THE COMMISSIONER MAY AUTHORIZE A SETTLEMENT PROVIDED THE SETTLEMENT IS APPROVED BY THE COMPLAINANT, THE LICENSE HOLDER, AND THE BOARD OR COMMISSION. THE COMMISSIONER MAY BRING A COMPLAINT BEFORE THE APPROPRIATE BOARD FOR A FORMAL HEARING IF IT HAS BEEN DETERMINED THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE ALLEGED IN THE COMPLAINT HAS BEEN COMMITTED AND THAT THE LICENSE HOLDER NAMED IN THE COMPLAINT WAS RESPONSIBLE. ALL DISPOSITIONS AND FINAL DECISIONS RENDERED BY THE DEPARTMENT OF CONSUMER PROTECTION AFTER AN INVESTIGATION INTO A COMPLAINT HAS BEGUN SHALL BE FORWARDED TO THE CHAIRPERSON OF THE APPROPRIATE BOARD ON A MONTHLY BASIS.

Commentary: The procedure described above would provide a uniform and impartial system for handling complaints. The reporting requirements would reduce the number of complaints which languish within the department without the knowledge of the boards. This procedure would enable the boards to monitor complaints and pressure the department to pursue each one to a final decision.

In turn, the system would limit the practice by some boards of directly conducting investigations by holding informal hearings or asking a license holder to appear for questioning at a regular board meeting.

#### VI. Disciplinary Sanctions

1. REVOKE A LICENSE.
2. SUSPEND A LICENSE.
3. IMPOSE A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH VIOLATION.
4. ISSUE A LETTER OF REPRIMAND TO THE PRACTITIONER AND SEND A COPY TO THE COMPLAINANT AND ALL STATE AND LOCAL OFFICIALS DEEMED APPROPRIATE BY THE COMMISSIONER.
5. PLACE A LICENSE HOLDER ON PROBATIONARY STATUS, AND IMPOSE ANY OR ALL OF THE FOLLOWING SANCTIONS:
  - A. REPORT REGULARLY TO THE BOARD UPON THE MATTERS WHICH ARE THE BASIS OF THE PROBATION.
  - B. LIMIT PRACTICE TO THOSE AREAS PRESCRIBED BY THE BOARD.
  - C. CONTINUE OR RENEW EDUCATION UNTIL A SATISFACTORY DEGREE OF SKILL HAS BEEN ATTAINED IN THOSE AREAS WHICH ARE THE BASIS OF THE PROBATION.
6. SUSPEND SENTENCES AND FINES IN WHOLE OR IN PART.

Commentary: The sanctions outlined above would expand the alternatives available to the boards. Currently, their only options are either to suspend or revoke a license or to seek court imposed penalties. While the existing statute is vague with respect to the boards' authority to impose fines, this specifically gives them that power. The committee concluded that this authority, along with the addition of the official reprimand and probation options and the ability to impose a suspended sentence, would encourage boards and commissions to take action in those cases where license suspension or revocation seems too severe.

#### VII. Definitions

THE FOLLOWING DEFINITIONS APPLY TO THOSE BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT OF CONSUMER PROTECTION WHICH ARE

LISTED UNDER SECTION 2c-2(c).

"CERTIFICATE" INCLUDES THE WHOLE OR PART OF ANY DEPARTMENT OF CONSUMER PROTECTION PERMIT WHICH THE DEPARTMENT IS AUTHORIZED BY THE GENERAL STATUTES TO ISSUE AND WHICH FURTHER: (A) AUTHORIZES PRACTICE OF THE PROFESSION BY CERTIFIED PERSONS BUT DOES NOT PROHIBIT THE PRACTICE OF THE PROFESSION BY OTHERS, NOT CERTIFIED; (B) PROHIBITS A PERSON FROM FALSELY REPRESENTING THAT HE IS CERTIFIED TO PRACTICE THE PROFESSION UNLESS THE PERSON HOLDS A CERTIFICATE ISSUED BY THE DEPARTMENT; (C) REQUIRES AS A CONDITION OF CERTIFICATION THAT A PERSON SUBMIT SPECIFIED CREDENTIALS TO THE DEPARTMENT WHICH ATTEST TO QUALIFICATIONS TO PRACTICE THE PROFESSION.

"LICENSE" INCLUDES THE WHOLE OR PART OF ANY DEPARTMENT OF CONSUMER PROTECTION PERMIT, APPROVAL, OR SIMILAR FORM OF PERMISSION REQUIRED BY THE GENERAL STATUTES AND WHICH FURTHER REQUIRES: (A) PRACTICE OF THE PROFESSION BY LICENSED PERSONS ONLY; (B) DEMONSTRATION OF COMPETENCE TO PRACTICE THROUGH AN EXAMINATION OR OTHER MEANS AND MEETING CERTAIN MINIMUM STANDARDS; (C) ENFORCEMENT OF STANDARDS BY THE DEPARTMENT OR REGULATORY BOARD OR COMMISSION.

"REGISTRATION" INCLUDES THE WHOLE OR PART OF ANY PERMIT WHICH THE DEPARTMENT IS AUTHORIZED BY GENERAL STATUTES TO ISSUE AND WHICH: (A) REQUIRES PERSONS TO PLACE THEIR NAME ON A LIST MAINTAINED BY THE DEPARTMENT BEFORE THEY CAN ENGAGE IN THE PRACTICE OF A SPECIFIED PROFESSION OR OCCUPATION; (B) DOES NOT REQUIRE A PERSON TO DEMONSTRATE COMPETENCE THROUGH AN EXAM OR OTHER MEANS; (C) ALLOWS THE COMMISSIONER TO SUSPEND OR REVOKE FOR CAUSE ANY REGISTRATION.

Commentary: Except for registration, the above definitions are consistent with those recommended by the committee and adopted by the General Assembly during the first sunset review. The definition of registration is slightly different in that it contains a provision whereby the department can take disciplinary action against a registered individual.

## VII. Renewals

THE DEPARTMENT OF CONSUMER PROTECTION SHALL PROPOSE TO THE GENERAL ASSEMBLY BY JANUARY 1, 1983 A LICENSE RENEWAL SYSTEM FOR ALL BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT THAT DISTRIBUTES THE ADMINISTRATIVE WORKLOAD AND REVENUE EVENLY THROUGHOUT THE YEAR.

Commentary: At present an independent renewal schedule exists for each board and commission within the Department of Consumer

Protection. As a result, neither the workload nor the revenue generated is evenly distributed. For example, the department staff working with the occupational licensing boards is so busy with renewals during the month of October in odd numbered years that it nearly ceases to perform all other activities. Correspondingly, the revenue generated ranges from approximately 1.4 million dollars in odd numbered years to about \$100,000 in even years.

On the basis of this situation, the committee saw a clear need to develop a standardized license renewal system covering all boards and commissions. However, the committee believes the department, rather than the legislature, may be best suited to develop such a plan and should be given the opportunity to do so.

APPENDIX B

SUNSET 1982

ENTITY: State Board of Registration for Professional Engineers and Land Surveyors (C.G.S. 20-299 to 20-310)

ESTABLISHED:

PURPOSE: To establish standards for admission to the professions and maintain standards in the practice of the professions

POWERS AND DUTIES:

- Establish standards for entry into the profession
- Determine eligibility to take the examinations and exemptions from the examinations
- Prescribe the examination, with the consent of the commissioner of consumer protection, and supervise its administration
- Approve the issuing of licenses
- Prescribe and furnish applications for licenses
- Mail notices of license renewal
- Receive complaints, conduct hearings, censure licenses, and suspend or revoke licenses for fraud, misrepresentation, deceit, gross negligence, incompetence, misconduct in professional practice or violation of statute or regulation

PRACTICE DEFINED: The practice of engineering includes "the rendering or offering to render to clients any professional service such as consultation, investigation, evaluation, planning, design or responsible supervision of construction, in connection with any public or privately owned structures, buildings, machines, equipment, processes, works or projects wherein the public welfare or the safeguarding of life, public health or property is concerned or involved"; the practice of land surveying includes "surveying and measuring the area of any portion of the earth's surface, the lengths and directions

of the bounding lines and the contour of the surface, for their correct determination and description and for conveyancing or for recording, or for the establishment or reestablishment of land boundaries and the plotting of land and subdivisions thereof, and like measurements and operations involved in the surveying of mines" (C.G.S. 20-299).

STAFF:                    FY 1980 - 2                    FY 1981 - 4

<u>BUDGET:</u>	<u>FY 1980</u>	<u>Actual 1st 8 mos.</u> <u>FY 1981</u>	<u>Est. FY 1981</u>
Board Expenses	\$ 1,328	\$ 2,228	\$ 3,500
Staff Expenses	22,829	22,611	33,900
O & E	15,390	11,118	20,100
Administrative Expenses	<u>9,606</u>	<u>12,800</u>	<u>18,157</u>
Total Expenses	\$49,153	\$48,757	\$75,657

STATISTICS

Number of Meetings: 12  
Average Attendance: 7 members  
Average Length: 3½ hours

	<u>1980</u>	<u>to April 1, 1981</u>
<u>Number of Licenses:</u>		
Engineers and Combined	5,671	5,845
Engineers-in-Training	1,188	1,314
Land Surveyors	459	455

License Fee:

Engineers:	\$35
Land Surveyors:	\$35
Combined:	\$35

Application Fee:

Engineers:	\$50
Land Surveyors:	\$25
Combined:	\$50 (\$75 actual)
Engineers-in-Training:	\$25

<u>Revenue Generated:</u>	<u>FY 1979-80</u>	<u>FY 1980-81</u>
Engineers and Combined:	\$198,485	\$204,575
Land Surveyors:	4,590	4,550

<u>Examinations:</u>	Applicants		Exam Takers		Number Passed	
	<u>FY 79-80</u>	<u>80-81</u>	<u>FY 79-80</u>	<u>80-81</u>	<u>FY 79-80</u>	<u>80-81</u>
Engineers-in-Training	337	276	268	250	181	51*
Engineers	296	328	248	261	164	89*
Land Surveyors	74	*	65	*	16	*

\* Complete figures not available

#### COMPLAINTS

Per year: 10 - 15 (1980: 10 complaints)  
 Type: 1980  
     land improperly surveyed: 7  
     non-licensed engineer signing plans: 2  
     ethical issue (conflict of interest): 1

## APPENDIX C

### State Board of Registration for Professional Engineers and Land Surveyors

#### Composite Picture of a Board Meeting

This board has as its secretary an employee of the Department of Consumer Protection who is both an engineer and a land surveyor. The secretary arranges the agenda and sees to it that all matters with which the board is concerned are brought to its attention and followed through. The agenda is always in the following order: minutes approved, correspondence received, correspondence sent, old business, new business, applications, other items. The board receives and sends a great deal of correspondence and a total of 20 such items is not unusual. The secretary endeavors to send copies of correspondence that might engender considerable discussion to board members about a week before each meeting, but a shortage of clerical help does not always make this possible. Therefore, some meeting time is taken up with members becoming acquainted with material they should have received earlier. The scope of the correspondence is so varied that what follows is an extremely limited picture: letters from professional organizations about exam contents, recommended cut-off scores, and conferences; requests to DCP for additional clerical personnel and a xerox machine that works; requests for information on the equivalency of foreign registrations; letters to town engineers on the use of impression seals and rubber stamps.

Old business, new business, and other items are also varied. At most meetings requests are made for some kind of information from the assistant attorney general who attends these meetings. Such requests include the permitted use of the word "engineer" and the board's legal authority in relation to DCP. Statutory changes are also discussed, such as the elimination of age requirements in connection with exam taking and the elimination of the exemption from professional engineer licensing for employees of companies in which engineering is incidental to another purpose. The board also discusses such issues as minimum passing scores, the content of the national exam, and the distribution of a brochure, Fundamentals of Engineer Exam.

Complaints received are explained to the board by the secretary, who summarizes them without disclosing any names. The board then decides whether further investigation is necessary or whether an informal or formal hearing should be held.

APPENDIX D  
Criteria for Licensing

Board of Registration for Professional Engineers and  
Land Surveyors

Professional Engineer

- education: graduation from an approved course of study in an approved college (statute)
- experience: 4 years active practice in engineering (statute)
- examination: written and oral examination prescribed by board (statute); first and second parts of written examination shall be uniform national examination provided by the National Council of Engineering Examiners (regulations)
- examination waiver: the first part may be waived for an engineer-in-training certified by another state, for an applicant at least 40 years of age with 8 years of experience and for an applicant at least 50 years of age with 20 years experience and no degree (regulations)
- alternate qualifications: applicants who have graduated from a non-approved school or a two year engineering technology program can qualify for the examination with varying degrees and types of experience determined by the exact nature of their education (regulations)
- 5 letters of recommendation, four of which must be from engineers (3 from P.E.s, one must testify to experience) (board)

Engineer-in-Training

- education and experience: as described for a professional engineer (statutes)
- examination: passage of part one of the specified exam (statutes)
- 3 letters of recommendation

Land Surveyor

- education: graduation from an approved school or college with approved courses (statutes)
- experience: 3 years active practice in land surveying (statutes)

Land Surveyor - continued

- examination: prescribed by the board (statutes); part 1 and  $\frac{1}{2}$  of part 2 to be national uniform examination prepared by NCEE,  $\frac{1}{2}$  of part 2 prepared by registered land surveyors (regulations)
- examination waiver: applicants at least 50 years of age with 16 years of surveying experience (10 in land surveying) may have the first part of the examination waived (regulations)
- alternate qualifications: non-graduates may qualify for the examination with various degrees and types of experience (regulations)
- five letters of recommendation, four of which must be from surveyors (3 registered, 1 to testify to experience) (board)

## APPENDIX E

### Complaint Procedures

#### Engineers and Land Surveyors

- A letter sent to the board or DCP is referred to the board secretary (DCP employee; P.E. and L.S.).
- The secretary contacts the complainant and attempts to resolve the matter on an informal basis. (Most "complaints" are resolved in this manner as they are essentially questions rather than complaints.)
- If no resolution is effected, the secretary asks the department to assign an investigator.
- The secretary reviews the report, sometimes requesting additional information.
- Based on his review, the secretary decides whether the complaint should be dismissed or whether an informal hearing should be held.
- The matter is then brought to the board, which may ask for additional information or determine that an informal hearing is to be held; the board selects the hearing officer. (Three informal hearings have been held in the past 18 months with R. Bonosconi as the hearing officer.)
- If no resolution is effected, the board may then decide to hold a formal hearing. (No formal hearing has been held since reorganization.)

