

# Disciplinary actions – Sanctions and Penalties Policy

April 8, 2020

Idaho Code Title 54 Chapter 12 and IDAPA 24.32.01 provide the laws and rules that govern the board’s actions. The table of penalties listed is advisory policy for the board to consider in administering disciplinary actions.

(a) The board, the executive director, and the participants in an informal conference may arrive at a greater or lesser sanction than suggested in this policy. If a fine is imposed, the minimum administrative penalty shall be \$250 per violation. The maximum administrative penalty shall be \$5,000.00 per violation.

Allegations and disciplinary actions will be set forth in the final board order and the severity of the disciplinary action will be based on the following factors:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act and the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- (2) the history of prior violations of the respondent;
- (3) the severity of penalty necessary to deter future violations;
- (4) efforts or resistance to efforts to correct the violations;
- (5) the economic harm to property or the environment caused by the violation; and
- (6) any other matters impacting justice and public welfare, including any economic benefit gained through the violations.

(b) The following is a table of suggested sanctions the board may impose against *license or intern certificate holders or COA holders* for specific violations of the Act or board rules. NOTE: the sanction issued could be less than or greater than the suggested sanctions shown in the following table based on the severity and circumstances of the violation.

CLASSIFICATION	VIOLATION	CITATION
<b>Standard of Care</b>	Failure to exercise such care, skill and diligence as others ordinarily exercise under like circumstances.	§24.32.01.100.02. §31-2707
<b>Incompetence</b>	Gross negligence	§§24.32.01.100.02, 24.32.01.101.01 & 54-1220
	Failure to exercise care, skill and diligence in the practice of engineering or surveying	§24.32.01.100.02 & §24.32.01.101.01
	Performing work outside area of expertise	§24.32.01.100.02 & §24.32.01.101.01
<b>Professional Judgement</b>	Failure to inform employer or client of possible consequences affecting public health, safety and welfare when overruled	§24.32.01.100.03
<b>Material Discrepancy</b>	Failure to inform licensee or certificate holder, adjoining landowner or board of material discrepancy	§24.32.01.100.04 & §24.32.01.100.06
	Failure to respond within 20 days when informed of a material discrepancy	§24.32.01.100.04
	Failure to respond within the second 20 days when informed in writing of a material discrepancy	§24.32.01.100.04
<b>Continuing Professional Development</b>	Failure to respond to an inquiry or audit of CPD compliance within 20 days	§24.32.01.010.11 §24.32.01.203
	Replying with misleading or false information or untrue certification of CPD compliance	§24.32.01.100.
	Failure to prove documented completion of 30 PDH per renewal period and 2 activities	§24.32.01.100.05 §24.32.01.200
<b>Aiding and Abetting</b>	Aiding and abetting unlicensed practice	§§24.32.01.101.02, 54-1215(3)

<b>Improper Use of Seal</b>	Sealing plans or documents not prepared under licensee's responsible charge	§§24.32.01.101.03, 54-1215(3)(d)
	Failure to sign, seal and date final plans and reports	§54-1215(3)(c)
	Practice or affix seal with an expired or inactive license	§§54-1215(3), 1216, 1222
	Practice or affix seal with a suspended license	§§54-1215(3), 1222
	Sealing work endangering the public	§54-1201 & §54-1220
	Work performed and sealed by more than one licensee not attributed to each licensee	§54-1215(3)(c)
	Altering the sealed work of another	§54-1215(3)(d)
<b>Public Statements</b>	Failure to include all relevant and pertinent information in professional reports, statements, or testimony	§24.32.02.007.01
	Engaging in deceit or misconduct in professional reports, statements, or testimony	§24.32.01.102.01
	Violating the standard of care in professional reports, statements, or testimony	§24.32.01.102.01
	Committing fraud in professional reports, statements, or testimony	§24.32.01.102.01
	Expressing opinions not founded on adequate knowledge of the facts or issue, or without technical competence, or without honest conviction of the accuracy or propriety of testimony when serving as an expert or technical witness	§24.32.01.102.02
	Issuing statements, criticisms or arguments paid for by an interested party without disclosing identities or pecuniary interests regarding establishment of public policy	§24.32.01.102.03
	Attempting to injure the prospects, practice or employment of another licensee or certificate holder	§24.32.01.102.04
	Indiscriminately criticizing another licensee or certificate holder's work in public	§24.32.01.102.04
<b>Conflict of Interest</b>	Engaging in a known conflict of interest	§24.32.01.103.01
	Failure to avoid a conflict of interest	§24.32.01.103.01
	Failure to disclose a conflict of interest	§24.32.01.103.01
	Compensation from multiple parties w/o disclosure	§24.32.01.103.02
	Solicitation from suppliers w/o disclosure	§24.32.01.103.03
	Soliciting or accepting gratuities	§24.32.01.103.04
	Soliciting or accepting contracts while serving as a government official	§24.32.01.103.05
	Participating in professional services decisions of agencies – while serving as a member, advisor, or consultant	§24.32.01.103.06
	Competing unfairly with other professionals	§24.32.01.103.07
<b>Solicitation of Work</b>	Payment of a commission to secure work	§24.32.01.104.01
	False or misrepresentation of qualifications	§24.32.01.104.02
	Failure to accurately portray credentials or give proper credit on web sites or other advertisements	§24.32.01.104.02
	Seeking or accepting employment for professional services for assignments which other licensees or certificate holders are employed without notification	§24.32.01.104.03
	Accepting contingency fee contracts	§24.32.01.104.04
	Providing bids or price proposals in violation of QBS	§24.32.01.104.05

	Soliciting work while in retired or expired status	§24.32.01.020.04
<b>Improper Conduct</b>	Involvement in fraudulent or dishonest enterprises	§24.32.01.105.01
	Revealing confidential information	§24.32.01.105.02
	Disciplinary actions by other jurisdictions involving surrender, revocation, suspension, or denial of a license or certificate to practice	§24.32.01.105.03
<b>Administrative</b>	Failure to respond to board communications in 20 days	§24.32.01.010.11
	False or forged evidence in obtaining a license or certificate	§54-1222
	Failure to report discipline or criminal convictions upon renewal	§24.32.01.105.03
	Failure to include “expired” or “retired” representation in title while in such status	§24.32.01.020.05
	Commit fraud or deceit	§24.32.01.010.11
<b>Monuments</b>	Failure to set proper size and type of monuments & cap	§§54-1227, 55-1608, 50-1303 & §24.32.01.100.06
	Failure rehabilitate or remonument corners and accessories	§55-1608
	Defacing monument by licensee or certificate holders	§54-1234
	Failure to remove or relocate monument for admitted error	§24.32.01.100.02
	Failure to set monuments prior to recording ROS	§24.32.01.100.02, §54-1227, 55-1904,
	Failure to set exterior monuments of plat prior to recording	§50-1333
	Failure to set interior monuments of plat as certified	§50-1331
	Failure to show the location of monuments and accessories on construction documents prior to construction	§55-1613
	Failure to replace monuments disturbed by construction activities	§55-1613
	<b>Plats and Records of Survey</b>	Failure to file or record a plat or record of survey when required
Failure to show minimum features on plats and ROS		§§50-1304, 55-1905 & 55-1906
Providing inaccurate information on plats and ROS		§§50-1305, 55-1906, 40-209
Failure to show all contents required on plats and ROS		§§50-1306, §55-1906, 40-209
Failure to meet error of closure		§55-1911
Failure to amend ROS for admitted error		§24.32.02.005.02
<b>Corner Perpetuation and Filing</b>		Failure to file a CP&F within 90 days after the survey is completed
	Failure to file a CP&F for monuments when required to establish, reestablish, or rehabilitate a corner monument or accessories	§§55-1604, 55-1612
	Failure to file a CP&F using the proper form	§§55-1606, 55-1612
	Failure to provide complete and accurate information on the CP&F form	§24.32.01.301
<b>Right-of-entry</b>	Failure to provide proper notice, cooperate to avoid disruption, or obtain permission from RR	§54-1230

(c) The following is a table of suggested sanctions that may be imposed against a *person or business entity* for specific violations of the Act or board rules who/which do not hold licenses or certificates with the

board. NOTE: the sanction issued could be less than or greater than the suggested sanctions shown in the following table.

VIOLATION	CITATION	SUGGESTED SANCTION	
		FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
Use of "Engineer" or "Surveyor" title	§§54-1202(10) and (11) 54-1222	Voluntary Compliance Cease and Desist	Injunction/ Criminal
Use of "P.E." or "P.L.S." designation, or claim to be a "Professional Engineer" or a "Professional Land Surveyor"	§§54-1202(10) and (11) 54-1222	Cease and Desist	Injunction / Criminal
Offer or attempt to practice engineering or surveying (e.g., through solicitation, proposal, contract, etc.)	§§54-1202(10) and (11) 54-1222	Cease and Desist	Injunction / Criminal
Representation of ability to perform engineering or surveying (e.g., telephone or listing, newspaper, or other publications, letterhead, Internet, etc.)	§§54-1202(10) and (11) 54-1222	Cease and Desist	Cease and Desist
Use of word "engineer" or "surveyor" any variation or abbreviation thereof under any assumed, trade, business, partnership, or corporate name	§§54-1202(10) and (11) 54-1222	Cease and Desist	Injunction/ Criminal
Unlicensed practice of engineering or surveying	§§54-1202(10) and (11) 54-1222	Cease and Desist	Injunction/ Criminal
False use of seal or altering the sealed work of a licensee by an unlicensed person	§54-1222	Cease & Desist	Injunction/Criminal
Defacing boundary monuments	§§54-1234, 18-7016	Mandatory compliance to replace	\$1500 civil fine

(d) The following is a table of suggested sanctions that may be imposed against a *person or business entity* for violations of the Act or board rules involving certificate of authorization. NOTE: the sanction issued could be less than or greater than the suggested sanctions shown in the following table.

VIOLATION	CITATION	SUGGESTED SANCTION	
		FIRST OCCURRENCE	SECOND OCCURRENCE
Offer and perform engineering or surveying services without being authorized	§54-1235	Voluntary Compliance	Cease and Desist
Offer and perform engineering or surveying services while COA was expired	§54-1235	Reprimand/\$ 1,500	3-yrSuspension/\$ 4,000
Offer only (no engineering or surveying services were performed) without being authorized or while COA was expired	§54-1235	Voluntary Compliance	Cease and Desist / \$1,500
Failure to notify of a change of licensee in responsible charge of business entity in 30 days	§54-1235(4)	Admonishment/\$ 500	Reprimand/\$1,000
Designated as responsible charge of business entity while rendering only occasional or part-time or consulting services	§54-1235(4)	1-year suspension / \$1,500	3-year suspension / \$4,000