

Complaints Help Form

IMPORTANT INFORMATION: The Association of New Brunswick Land Surveyors cannot rule or provide an opinion on the location of a boundary. If you do not agree with the location of a boundary established by a surveyor, you may seek the opinion of another surveyor, or you may wish to consult a lawyer for advice on a court application or an application under the Boundaries Act.

INFORMATION ABOUT YOU:

Your full name: _____

Your full address: _____

Home Telephone: () _____

Work Telephone: () _____

E-Mail: _____

How to File a Complaint Against a Land Surveyor

The Complainant

Any person, whether a member of the Association or not, may file a complaint alleging that the conduct of a member is subject to disciplinary action. The written complaint should be addressed to the Registrar.

If the matter proceeds to a hearing, it is important to understand that the Complainant does not become a party to the hearing but may be required as a witness.

Who May File a Complaint

Any person, whether a member of the Association or not, may file a complaint alleging that the conduct of a member is subject to disciplinary action under the Canon of Ethics, Standards or relating to the competency of a member.

Filing Fee

In the interest of effective enforcement, no fee is required in filing a complaint alleging professional misconduct or incompetence.

Form of the Complaint

Only written complaints form the basis for consideration and action by the Complaints Committee. (*Section 21 (1)(a) of the Act*) However, the Association is not precluded at any time from investigating an oral complaint against a member or from investigating any information that may come to the

Association's attention concerning a member. If the matter justifies, a complaint in writing can be prepared and processed in the usual way.

If the complainant is a member of the public, it should include sufficient information that a Standard or Canon of Ethics may be identified. See attached sample.

Handling of Complaints

When a complaint is received, the Registrar, or person designated by the Association to act in that capacity should refer it to the Complaints Committee for consideration and investigation. As well, a copy of the complaint should be sent to the member named in the complaint in compliance with 21 (1) (a) of the *Act* which gives the member two weeks to submit a written reply. (See Appendix "A")

An acknowledgment of receipt letter should be sent thanking the Complainant for bringing the matter to the Association's attention and explaining how the complaint will be handled.

Review and Investigation of Complaints

The Complaints Committee is to consider a complaint, conduct an investigation and determine whether the complaint is properly identifiable and supportable as a violation of the Canon of Ethic, Standards or for some other justifiable reason.

The Complaints Committee has no authority to investigate a complaint that does not fall within its jurisdiction. Accordingly, the Committee must first review a complaint to ensure that:

1. The complaint deals with an alleged violation of the Canon of Ethics, Standards or for some other justifiable reason. If a complaint is vague, the Committee may decide to clarify the complaint through investigation to determine if it has jurisdiction in the matter; and
2. The member named is a member of the Association. The Committee has no jurisdiction over non-members.

The Complainant and the member named in the complaint should be notified by letter that the matter is being investigated and by whom.

Likewise, if the Committee determines that it does not have jurisdiction in the matter, then the Complainant and the member should also be notified.

Disposition of the Complaint Following Investigation

Upon conclusion of its investigation, the Complaints Committee may take the following action under subsection 21 (2) of the *Act*:

21(2) The Complaints Committee, in accordance with the information it received, may:

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under paragraph (a); or
- (c) take such action as it considers appropriate in the circumstances to resolve the complaint and that is not inconsistent with this *Act* or the by-laws.

Disposition of Complaints Under 21(2)(a) of the Act

If the Complaints Committee is satisfied that the complaint should not be dismissed, it must be referred to the Discipline Committee for hearing.

The Committee does not have to refer the whole of the complaint to the Discipline Committee. It may be that the complaint falls into two or more parts, some of which should be dismissed. The remaining parts of the complaint may be referred to the Discipline Committee. In such case, the Complaints Committee must clarify what part is referred to the Discipline Committee so that the part remaining to be dealt with is understood.

In giving reasons for its decision under subsection 21 (3) of the *Act*, the Complaints Committee should state why parts of the complaint are referred to the Discipline Committee, and also why parts are not, if that is the case.

Decision of Complaints Committee

Once the Complaints Committee decides how to dispose of a complaint under subsection 21(2) of the *Act*, it must give its decision in writing with reasons under subsection 21(4) which provides:

21(4) The Registrar shall deliver or send to the Complainant, and to the person complained against, by prepaid first class mail a copy of the written decision of the Complaints Committee and its reasons therefore.

NOTICE OF COMPLAINT
BY-LAWS ARTICLE 15.2 SCHEDULE B

TO: The Registrar of the Association of New Brunswick Land Surveyors
 212 Queen Street, Suite 312
 Fredericton, NB
 E3B 1A8
 registrar@anbls.nb.ca
 Telephone: (506) 458-8266 Fax: (506) 458-8267

FROM: (Name) _____

 (Address) _____

 (Phone Number) _____

 (Occupation) _____

(Member of A.N.B.L.S. or Non-Member)

THIS is to advise the Association of New Brunswick Land Surveyors that

(name)

has committed (acts) (or an act) of Professional Misconduct pursuant to By-Law Section 8.3,
particulars of which are as follows:

(Specify particular instances including dates, places, documents, etc.)

DATED at _____ this day of _____ 20 ____.