

THE DAMAGE PREVENTION BOARD

REPORTING VIOLATIONS: THE COMPLAINT PROCESS

Anyone may file a complaint against an alleged violator of Idaho's damage prevention laws — Title 55 Property in General, Chapter 22 Underground Facilities Damage Prevention.

To report a potential violation, a complaint must be submitted to the Idaho Division of Occupational and Professional Licenses (DOPL). Review the information below to learn about the end-to-end process.

1	Complainant discovers a potential violation and files a complaint	<p>File a complaint with the Idaho Division of Occupational and Professional Licenses (DOPL) WITHIN 30 DAYS OF THE EVENT OR DISCOVERY OF THE EVENT.</p> <ul style="list-style-type: none">• Notify the respondent (alleged violator) in writing of the intent to file a complaint.• Submit the complaint and supporting documentation* to DOPL via Online Services at: edopl.idaho.gov/onlineservices/ <p>*Supporting documentation can include: locate request ticket, photos, contracts, communications, and any documentation that supports the complaint.</p>
2	DOPL administrator investigates the complaint	<ul style="list-style-type: none">• The DOPL administrator reviews the complaint and supporting documentation and investigates the alleged violation.• The administrator notifies the respondent of the complaint with a "Notice of Probable Violation" letter and a request to provide a response.
3	Respondent provides their response to the complaint	<ul style="list-style-type: none">• Respondent must submit their response to the complaint WITHIN 30 DAYS OF THE DATE ON THE LETTER.• Respondent completes and submits the Damage Prevention Response Form and supporting documentation to dpbcomplaints@dopl.idaho.gov.
4	Administrator reviews the response	<p>The administrator:</p> <ul style="list-style-type: none">• Reviews the response and supporting documentation.• May request additional information from the complainant or respondent.
5	Administrator makes a determination	<ul style="list-style-type: none">• No violation: Notifies the respondent and complainant of their no violation determination with a letter.• Violation: Notifies the respondent of the determination and the course of action. This may include a formal warning, safe digging training, or a civil penalty. See page 2 for penalty information.
6	Respondent may accept or contest the determination	<ul style="list-style-type: none">• Accept the determination and course of action: If training and/or civil penalties are assessed, the administrator will provide details and due dates.• Contest the determination: Complete the Contest Request Form, provide any additional supporting documentation, and the \$200 appeal bond WITHIN 30 DAYS OF THE DATE ON THE DETERMINATION LETTER.<ul style="list-style-type: none">• The administrator will provide date and time of the board meeting to the complainant and respondent.• The complainant and respondent will present their case to the board. They can attend in-person, at an alternative DOPL location, or teleconference.

Questions? Contact DOPL at:
Telephone: 208-334-3233
Email: dpbcomplaints@dopl.idaho.gov

Damage Prevention Board website: dopl.idaho.gov/dpb/



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VIOLATION PENALTY STRUCTURE

The Division of Occupational and Professional Licenses (DOPL) and the Damage Prevention Board abide by the violation penalty structure set forth in *Title 55 Property in General, Chapter 22 Underground Facilities Damage Prevention* and *IDAPA 24.39.90 Rules of the Damage Prevention Board*.

TIERS	EXAMPLES OF VIOLATIONS ¹	PENALTIES ²
Tier 1	<ul style="list-style-type: none"> • Failure to call 811 • Failure to report damage to the facility owner • Failure to locate a facility • Failure to participate in one-number services 	<ul style="list-style-type: none"> • 1st violation: Warning and training • 2nd violation: \$1,000 • 3rd+ violation: <ul style="list-style-type: none"> > No damages: \$1,000 > Damages: \$5,000
Tier 2	<ul style="list-style-type: none"> • Failure to maintain locates • Failure to pre-mark proposed excavation area • Failure to cease excavation to report unidentified facilities • Failure to notification service to notify facility owner of excavation 	<ul style="list-style-type: none"> • 1st violation: Warning and training • 2nd violation: \$200 • 3rd violation: \$500 • 4th violation: \$1,000 • 5th+ violation: <ul style="list-style-type: none"> > No damages: \$1,000 > Damages: \$5,000
Tier 3	<ul style="list-style-type: none"> • Failure to use reasonable care • False notification of an emergency • Failure to report downtime to the board • Failure to identify facilities in contract documents 	<ul style="list-style-type: none"> • 1st violation: Warning and training • 2nd violation: \$100 • 3rd violation: \$200 • 4th violation: \$500 • 5th+ violation: \$1,000

¹This is not a complete list of violations of *Title 55 Property in General, Chapter 22 Underground Facilities Damage Prevention*.

²Penalties are based on the violation and any additional violations accrued within an 18-month window. If violation-free for at least 18 consecutive months, any new violation counts as the first.

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