

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, Chapter 22* and *IDAPA 24.39.90*.

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

File a complaint with DOPL **WITHIN 30 DAYS OF THE EVENT OR DISCOVERY OF THE EVENT**.

- 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/

*Supporting documentation can include: locate request ticket, photos, contracts, communications, and any documentation that supports the complaint.

2 DOPL administrator investigates the complaint

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

- 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 DOPLInvestigations@dopl.idaho.gov.

4 Administrator reviews the response

The administrator may request additional information from the complainant or respondent.

5 Administrator makes a determination

- **No violation:** Notifies the respondent and complainant of their no violation determination with a letter.
- **Violation:** Notifies the respondent and complainant of the determination and the course of action. This may include a formal warning, mandatory training, or a civil penalty. See page 2 for penalty information.
- **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**.
 - 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 via teleconference.

6 Respondent may accept or contest the determination

Complaints:
DOPLInvestigations@dopl.idaho.gov or 208-334-3233

Education and Outreach:
jeannien.dewitt@dopl.idaho.gov or 208-817-6703

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	• Failure to provide notice of excavation (Call 811) • Failure to report damage to the facility owner • Failure to locate a facility • Failure to participate in one-number services	• 1st violation: Warning and training • 2nd violation: \$1,000 • 3rd+ violation: ◊ No damages: \$1,000 ◊ Damages: \$5,000
Tier 2	• Failure to maintain locates • Failure to pre-mark proposed excavation area • Failure to cease excavation to report unidentified facilities • Failure of notification service to notify facility owner of excavation	• 1st violation: Warning and training • 2nd violation: \$200 • 3rd violation: \$500 • 4th violation: \$1,000 • 5th+ violation: ◊ No damages: \$1,000 ◊ Damages: \$5,000
Tier 3	• Failure to take precautions to avoid damage • False notification of an emergency • Failure to report facility damages or excavator downtime to the board • Failure to identify facilities in contract documents	• 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.

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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