



Complaint Form

Instructions: This form is for the purpose of filing a complaint with the Alabama Board for Professional Soil Classifiers. **Send Completed Complaint Form and supporting documentation to:** debra.brooks@swcc.alabama.gov

Upon receipt of this completed form, you will be sent a letter confirming receipt of your complaint. A Board Investigator may contact you during the course of the investigation if needed. As the complainant, you will be notified upon the conclusion of the investigation of the case. For more information on filing a complaint, please visit our website at www.AlabamaSoilAndWater.gov/psc-complaint or contact the Board office at 334.242.2620. Please note: A copy of your complaint may be forwarded to the subject of this complaint.

Section 1. Complainant Information

Complainant's Name:

Complainant's Address:

Daytime Telephone Number:

Preferred email address:

Section 2. Subject of Complaint

Subject's Name:

Subject's Address:

Telephone Number:

This Individual is: A Registered Soil Classifier
 Unlicensed Person

Section 3. Details of Complaint

Nature of Complaint: Service
 Unlicensed Practice of Soil Classification
 An issue, incident or violation of the laws, rules, or code of conduct governing Soil Classifiers

Have you entered into, or anticipate, litigation regarding this matter? Yes No

Note: If yes, complaint will not be investigated unless it adversely impacts the health, safety, and welfare of the public.

List documents that support your complaint (e.g., court orders, receipts, cancelled checks, contracts, construction drawings, etc.). Please send **copies** of the related documents along with this completed form. Do not send originals.

List names and addresses of other parties who have a direct interest or possess information regarding this matter and whose testimony should be considered by the Board:

Would you be willing to testify if necessary? Yes No

Please explain the entire circumstances surrounding your complaint including your attempts to solve the problem. You may attach additional pages describing the details of this complaint as needed.

Section 4. Affidavit of Complainant

I solemnly swear or affirm that the statements made herein and on any attachments hereto are accurate, complete, and true to the best of my knowledge and belief. I understand and agree that by typing my name, I am providing an electronic signature that has the same legal effect as a written signature pursuant to Ala. Code §§ 8-1A-2 and 8-1A-7.

Signature

Date

FILING A COMPLAINT - The Alabama Soil and Water Conservation Committee is authorized under Code of Alabama § 34-32-7 to serve as the State Board of Registration for Professional Soil Classifiers (Board). The Board is authorized under § 34-32-13 to receive and investigate complaints against registered professional soil classifiers and persons granted temporary permits to work as professional soil classifiers. The Board is authorized under § 34-32-14 to investigate received complaints and work with the appropriate court and law enforcement agency to prosecute violations of Title 34, Chapter 32 of the Code of Alabama.

Examples of violations include practicing with a lapsed license, code of conduct violations, and offering or performing services without holding a registration to do so.

The Board does not have jurisdiction over soil activities regulated by the Alabama Board of Registration of Professional Engineers and Land Surveyors, or soil activities conducted by local health departments.

The Board does not have jurisdiction over contractual disputes involving registrants. State law prohibits the Board from giving legal advice, legal opinions, or acting as a "private" attorney. If you have suffered or may suffer civil wrongs such as significant monetary loss, you may want to contact private counsel to discuss your legal civil rights and remedies.

THE COMPLAINT PROCESS - After an official written complaint has been filed, the complainant will receive written confirmation from the Board indicating the complaint was received. The complaint is reviewed by the Executive Director. If it is determined that the complaint falls under the purview of the Board and that there may be cause to believe that a violation of the Board's statutes or regulations has occurred, a file is opened, and an investigation is commenced. The investigative process could take a few days, weeks, or months, depending on the complexity of the case.

Upon completion of the investigation, the Board has the option to close the case citing no violation, settle the matter informally, gather further information, or file formal charges against the subject.

If charges are filed, the subject will receive a letter by certified mail outlining the specific charges and will be offered an opportunity to enter a settlement agreement and pay any required fines. If the subject does not request a hearing, the Board will review the evidence it has, determine the appropriate action, and issue a final report.

Disciplinary action taken against an individual may include court action and a monetary fine or jail time, reprimand, suspension, or revocation of his or her registration.

PENALTY FOR VIOLATIONS - It is unlawful for anyone other than a professional soil classifier registered to sign or endorse as a registered professional soil classifier any plans, specifications, plats, reports, or other documents, or to use in any manner the title "Registered Professional Soil Classifier."

A person convicted of a violation shall be guilty of a misdemeanor and for each offense for which he or she is convicted shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than three months or by both (Ala. Code § 34-32-18).

ALTERNATIVES TO FILING A COMPLAINT WITH THE BOARD

1. Discuss the issue with the Professional Soil Classifier or his or her company,
2. Small Claims Court,
3. Arbitration or mediation, or
4. Contact the Better Business Bureau.

WHAT THE BOARD DOES NOT INVESTIGATE - Be advised that the Board generally does not become involved in contractual matters or financial disputes between a Professional Soil Classifier and a client, unless it involves an allegation that services were billed for, but were not rendered, or if there is evidence of fraud. Usually, these issues are considered civil matters and should be pursued in a court of law.

Additionally, the Board does not establish, set, or review costs and fees for Professional Soil Classifier services. Professional Soil Classifier fees and costs are a private business matter between a Classifier and a client. However, if wrongdoing by a Professional Soil Classifier is proven in a court of law, send the Board a certified copy of the order issued by the Court and the Board will review the matter.

HOW TO FILE A COMPLAINT - All complaints against a Professional Soil Classifier must be made in writing. Complaints may be mailed to the Soil and Water Conservation Committee, PO Box 3040800, Montgomery, AL 36130 or by filling out the attached form and emailing to debra.brooks@swcc.alabama.gov. Complaints must contain a detailed factual summary of the issue along with supporting documentation, such as contracts, invoices, correspondence, letterhead, business cards, photos, etc.