

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

MOBILE SOURCE OPERATIONS SECTION

OPERATIONAL ORDER	NUMBER 4	EFFECTIVE DATE April 30, 1995 Revised: December 11, 2006
SUBJECT COMPLAINT PROCEDURES AND INVESTIGATIONS	ORIGINATING UNIT MOBILE SOURCE OPERATIONS SECTION	

I. RECEIPT OF ORAL COMPLAINTS

- A. All complaints received shall be referred to the Vehicle Emissions Compliance Officer (VECO) having responsibility for the area referred to in the complaint unless it can be resolved by the office staff.

- B. When a complaint about an Official Emissions Inspection Station, Emissions Inspector, Certified Repair facility, or Certified Repair Technician is received by the VECO, the following procedure shall apply:
 - 1. Obtain the name, address, and telephone number(s) of the complainant.
 - 2. Listen to the merits of the complaint to determine if it can be handled orally or if an official written investigative report is required.

NOTE: Complaints based on a misunderstanding of procedures, etc., can be handled orally. Complaints alleging intentional or wrongful violations of the emissions inspection procedures shall be handled with an official investigation.

- 3. If a complaint can be handled orally, resolve the matter by providing the appropriate information.
- 4. If the complaint cannot be handled orally, the matter shall be dealt with as an Official Investigation of Complaint (OIC).
- 5. If dealt with as an OIC, complainant shall be asked to submit written documentation to the Mobile Source Operations Section.

II. RECEIPT OF WRITTEN COMPLAINTS

- A. Upon receipt of written documentation or any letter of complaint, it shall be date stamped and forwarded to the Program Manager (PM) for review and notation. Once reviewed, the complaint shall be logged in the complaint log book (Attachment 1) by the PM and the following entries shall be made:
1. Log Number - the year and the next sequential number (e.g., 1999-01, 1999-02, etc.)
 2. Date received
 3. Complainant's name
 4. Complainant's phone number(s)
 5. Nature of complaint and station number(s)
 6. VECO in whose district the subject of the complaint resides
 7. Due date
- B. The due date shall be thirty days from the date received unless otherwise specified, and shall be entered in pencil to facilitate extensions.
- C. Due dates shall be adhered to; a need for a continuance should immediately be brought to the attention of the PM.
- D. The PM shall assign the complaint to a VECO.

III. OFFICIAL INVESTIGATIONS

- A. The VECO shall fill out the Inspection Complaint Form, leaving item "V" blank until after the investigation is completed. (Attachment 2)
- B. All parties in the complaint shall be interviewed and their statements recorded.
- C. All relevant witnesses shall be questioned and all evidence shall be examined. Both shall be made part of the report that will include the following:
1. Information as to how the complaint was received.
 2. A statement of facts describing the events as they occurred.
 3. An investigation which will identify the issue(s) in question, and will resolve conflicting statements.

4. A summary of the results to include a conclusion as to the violation(s) committed, if any, a finding of intentional wrongdoing or otherwise, and a synopsis of the station's previous violation history if any.
 5. Attachments should be listed and identified as such.
 6. The VECO Activity Report shall identify investigations of an OIC as "IOC" and shall include the IOC log number as follows: "OIC yy-xxx."
- D. The VECO shall carefully examine all the facts in the matter and make a recommendation as follows:
1. Sustained: The complainant's allegation proved to be factual.
 2. Unfounded: The complainant's allegation proved to be not factual.
 3. Not Sustained: The available evidence cannot prove or disprove the allegation.
 4. Exonerated: The complainant's allegation proved to be factual but there were no procedural violations.
- E. The VECO shall then consult with the PM regarding the investigation before any action is taken or the complainant notified.
- F. The PM shall review the complaint, the investigation, the investigative results, and action recommended. The PM shall approve the complaint investigation or advise what further action needs to be taken.
- G. The PM shall have the final decision regarding the action taken on any investigation.
- H. The VECO shall then make notification to the complainant regarding the results of the investigation and include a notation to this effect in the report.
- I. The VECO shall then fill out item "V" of the Inspection Complaint Form (Attachment 2). This section shall note the final results of the investigation. The finalized complaint will then be filed in the station/facility folder.

IV. INVESTIGATIVE REPORT

- A. An investigative report shall be prepared for each OIC. The report shall include a description of the nature of the complaint, the investigation, a conclusion and a recommendation. In addition, an “Executive Summary” shall be included at the beginning of each report which will summarize all of the above in one or two brief paragraphs. See Attachment 3 for the report format.
- B. Attachments shall be identified in the report and a separate List of Attachments shall be included with the report. Generally, attachments should be in chronological order unless the nature of the complaint or investigation dictates otherwise.

ATTACHMENTS

- 1.) COMPLAINT LOG FORM
- 2.) INSPECTION COMPLAINT FORM
- 3.) INVESTIGATIVE REPORT FORMAT

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
Northern Virginia Regional Office
Mobile Source Operations Section

Memorandum

To: J. Michael Thompson, Jr.
I/M Program Manager

From: [VECO's name]
[VECO's title]

Subject: Official Investigation of Complaint # [complaint number]

Date: [current date]

Executive Summary

[A brief summary of the nature of the complaint, highlights of the investigation, a conclusion and the recommendation of the VECO. Usually not more than one or two brief paragraphs.]

Nature of Complaint

[A brief description of the complaint and its origination if necessary.]

Investigation

[This section will contain a complete description of the investigation including all dates, times, locations, persons interviewed, action(s) taken, etc. Where possible, this should be in chronological order unless the nature of the investigation dictates another format.]

Conclusion

[A brief summary and analysis of the matter with appropriate notations as to regulations, statutes, orders, procedural guidance, etc. if necessary, and whether a violation may have taken place.]

Recommendation

[A re-statement of the allegation and a recommendation as to disposition of the complaint as described in Section III.D.]

[Note: Throughout the report, attachments shall be referenced as each appears. A "List of Attachments" shall be provided on a separate page at the end of the report.]