

**TOWN OF ST. JOHN
CONTRACTORS BOARD OF LICENSING**

**COMPLAINT FORM
Instructions**

1. All information provided needs to be accurate. Please make sure that all of the information that you provide is accurate and clearly stated.
2. The Town of St. John Contractors Board of Licensing (“Board”) oversees the licensing of contractors for work performed within the Town of St. John, Indiana (“Town”). All construction work performed within the Town must be done in accordance with the provisions of the Building Code of the Town of St. John, Indiana (“St. John Building Code”). The St. John Building Code incorporates various building codes, which include the Indiana One and Two Family Dwelling Code, the Indiana Plumbing Code, and the Indiana Electrical Code.
3. The Board may suspend or revoke the license of a contractor if the contractor is guilty of “(w)illful and deliberate disregard of the applicable Construction Codes and Ordinances of the Town, Lake County, State of Indiana, or any Rules or Administrative Building Construction Codes” and for other reasons set forth in the applicable Town ordinance(s).
4. In determining whether or not the license of a contractor should be suspended or revoked, the Board focuses on whether or not the contractor has failed to comply with the St. John Building Code (and other applicable codes, ordinances, and regulations), whether or not any such failures are “willful and deliberate”, and the other matters stated in the applicable Town ordinance(s). In making such determinations, the Board will not focus on and/or directly address any contractual disputes that may exist between the Complainant and a contractor.
5. In describing your complaint, please focus your description/explanation on the issues that the Board addresses, which include:
 - (a) whether or not the contractor has failed to comply with the St. John Building Code (and other applicable codes, ordinances, and regulations);
 - (b) whether or not any such failures are “willful and deliberate”; and
 - (c) the other matters stated in the applicable Town ordinance(s).
6. As stated above, the Board oversees the licensing of contractors in the Town. **THE BOARD WILL NOT ADDRESS CONTRACTUAL DISPUTES BETWEEN COMPLAINANTS AND CONTRACTORS.** Such disputes should be resolved in the manner and in accordance with the procedures set forth in the parties’ contract and/or applicable law.

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COMPLAINT FORM

Name of Complainant: _____

Address of Complainant: _____

Telephone Numbers of Complainant: Day: _____ Evening: _____

Name of Contractor Who Complaint is Against: _____

Address of Contractor (if known) _____

This Complaint Relates to: New Construction Addition/Improvement Other

Description of Complaint: _____

You may attach photographs, statements, and other documents to this Complaint Form. All photographs, statements, and other documents that are attached hereto are incorporated herein by reference and will be treated as a part of this complaint.

VERIFICATION

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Date: _____

Signature of Complainant: _____

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PROCEDURES FOR RESOLVING COMPLAINTS

The following procedures apply to the resolution of complaints submitted to the Town of St. John Contractors Board of Licensing (hereinafter "Board"). For purposes of these procedures, the term "Town Representative" shall mean any employee of the St. John Building and Planning Department (hereinafter "Building Department"), the Town Manager, and any other representative of the Town of St. John, Indiana, that the Board designates to assist the Board in carrying out its duties. The term "Town" shall mean the Town of St. John, Indiana.

1. All complaints must be in writing, submitted on the form provided by the Board, signed by the Complainant, and submitted to the Building Department.
2. If the complaint is not signed or is otherwise not in proper form, a Town Representative shall advise the Complainant of the defects in the complaint and the Complainant shall correct such defects and resubmit the corrected complaint to the Building Department.
3. Within ten (10) days after the Building Department's receipt of a complaint in proper form or a corrected complaint that is in proper form, a Town Representative shall:
 - (a) prepare a Notice of Hearing that schedules a hearing on the Complaint (hereinafter "Notice of Hearing") to be conducted by the Board on a date and time that are no later than seventy (70) days after the complaint in proper form (or a corrected complaint that is in proper form) is filed, and at least ten (10) days after the date when written notice is mailed to the contractor against whom the complaint is asserted and the Complainant in accordance with subsections (b),(c), and (d) of this item 3;
 - (b) mail a copy of the Notice of Hearing, the complaint (with any attachments and/or enclosures), and these Procedures for Resolving Complaints to the contractor against whom the complaint is asserted to the address for said contractor that the contractor provided to the Town in the most recent contractor's license application and/or contractor's license renewal, by certified mail, return receipt requested; postage prepaid;
 - (c) mail a copy of the Notice of Hearing to the contractor against whom the complaint is asserted to the address for said contractor that the contractor provided to the Town in the most recent contractor's license application and/or contractor's license renewal, by first class mail; postage prepaid; and
 - (d) mail a copy of the Notice of Hearing and these Procedures for Resolving Complaints to the Complainant at the address listed by the Complainant in the complaint by first class mail, postage prepaid.
4. The Board shall hold a hearing on the complaint on the date and time stated in the Notice of Hearing, unless the Board, in its sole discretion, elects to reschedule the hearing to a different date and time. If the Board elects to continue the hearing on the complaint to a different date and time, a Town Representative shall:
 - (a) prepare a Revised Notice of Hearing that schedules a hearing on the Complaint (hereinafter "Revised Notice of Hearing") to be conducted by the Board on a date and

time that are at least ten (10) days after the date when written notice is mailed to the contractor against whom the complaint is asserted and the Complainant in accordance with subsections (b) and (c) of this item 4;

- (b) mail a copy of the Revised Notice of Hearing to the contractor against whom the complaint is asserted to the address for said contractor that the contractor provided to the Town in the most recent contractor's license application and/or contractor's license renewal, by first class mail; postage prepaid; and
 - (c) mail a copy of the Revised Notice of Hearing and these Procedures for Resolving Complaints to the Complainant at the address listed by the Complainant in the complaint by first class mail, postage prepaid.
5. The hearing on the complaint shall be conducted during a public meeting of the Board. At the hearing on the complaint, the Board shall receive and consider evidence with respect to the complaint. The hearing shall be conducted informally and rules of evidence shall not apply, but the Board may exclude and/or refuse to hear evidence that the Board determines, in its sole discretion, is not relevant to the complaint and/or is not otherwise appropriate for the Board to consider. The complaint filed by the Complainant shall be treated as evidence and considered as a part of the record. The Complainant and the contractor against whom the complaint is asserted shall be given a reasonable opportunity to present evidence with respect to the complaint. The Board shall also have the right to consider other evidence that the Board deems appropriate, including, but not limited to, any evidence offered by the Town Building Inspectors and/or any other officials, employees, and/or representatives of the Town. During the hearing, the Board shall have the right to ask questions and to request information from the Complainant, the contractor against whom the complaint is asserted, and any other person and/or entity. Any person and/or entity presenting evidence and/or appearing at the hearing, including, but not limited to, the Complainant and the contractor against whom the complaint is asserted may be represented by an attorney of their choice at their sole expense. The Board shall have the right to impose reasonable time limits with respect to the presentation of evidence at the hearing. The Board shall also have the right to remove any person from the meeting who disrupts and/or interferes with the hearing and/or fails to comply with the hearing procedures established by the Board. The Board shall not be required to record the hearing and/or to maintain a formal record of the hearing, but the Board shall prepare and maintain minutes of any meetings at which a hearing is held.
6. If two (2) or more complaints are filed against the same contractor, the Town Representative may, but is not required to, schedule hearings for said complaints on the same date and time. If two (2) or more complaints against the same contractor are scheduled for hearing on the same date and time, the Board may, but is not required to, conduct a consolidated hearing on said complaints.
7. If the Board has heard evidence with respect to a complaint and determines, in the Board's sole discretion, that additional time is needed for the presentation of additional evidence, the Board may continue the hearing to a later date and time. If the date and time is announced during the hearing, no further notice of the continued hearing date and time shall be required. If, however, the date and time is scheduled after the close of the hearing, the procedures set

forth in item 4 shall be followed to give notice of the date and time of the continued hearing to the contractor against whom the complaint is asserted and the Complainant.

8. The Board shall make a final decision with respect to the complaint at the conclusion of the presentation of evidence with respect to the Complaint, or, at a subsequent public meeting of the Board that is held within seventy (70) days after the conclusion of the presentation of evidence with respect to the complaint. The final decision of the Board shall be determined by the vote of a majority of the total number of members of the Board at the time of the vote. The final decision of the Board shall be made and announced at a public meeting. The final decision made by the Board with respect to the complaint shall constitute “final action” of the Board with respect to said matter. The final decision of the Board shall be set forth in the minutes of the Board’s meeting, but the Board is not required to make any written findings and/or enter any additional written determinations with respect to said final decision, unless the applicable ordinances and/or other applicable laws require such written findings and/or written decisions.
9. Within seven (7) days after the Board makes a final decision with respect to a complaint, a Town Representative shall mail a written notice of the final decision made by the Board with respect to the complaint to:
 - (a) the contractor against whom the complaint is asserted to the address for said contractor that the contractor provided to the Town in the most recent contractor’s license application and/or contractor’s license renewal, by first class mail; postage prepaid; and
 - (b) the Complainant at the address listed by the Complainant in the complaint by first class mail, postage prepaid.
10. If the final decision of the Board with respect to a complaint is to suspend or revoke the Certificate of Registration (and/or contractor’s license) of the contractor and/or to place any limitations and/or restrictions upon said Certificate of Registration (and/or contractor’s license), the contractor whose Certificate of Registration (and/or contractor’s license) is suspended, revoked, limited, and/or restricted shall have the right to obtain judicial review of said final decision by the Circuit and/or Superior Courts of Lake County, Indiana. The evidentiary record for any such judicial review shall be limited to the complaint initially filed by the Complainant and the evidence presented to and/or considered by the Board with respect to the hearing(s) held by the Board concerning the complaint.
11. The failure of the Board to strictly comply with any of the foregoing procedures shall not result in and/or require the setting aside of any final decision of the Board with respect to a complaint, unless the party aggrieved by said final decision establishes that such failure to comply with the foregoing procedures resulted in and/or caused “substantial prejudice” to the aggrieved party that directly and adversely affected the final decision of the Board. Any non-compliance with the foregoing procedures that does not involve such “substantial prejudice” shall be treated as “harmless error” and shall not affect the validity of the final decision of the Board.
12. The Board retains the right to amend and/or modify the foregoing procedures at any time in the sole discretion of the Board.

**TOWN OF ST. JOHN
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NOTICE OF HEARING

TO: _____

YOU ARE HEREBY ADVISED that the Town of St. John Contractors Board of Licensing (hereinafter “Board”) will hold a hearing on _____, 20____, beginning at _____ p.m. on the complaint filed by _____ (hereinafter “Complainant”) against _____ (hereinafter “Contractor”). The hearing will be held in the Town Council meeting room at the St. John Town Hall located at 10955 W. 93rd Avenue, St. John, Indiana 46373.

You are hereby advised that you have the right to appear at said hearing and to present evidence with respect to the complaint. If you fail to appear at said hearing and/or fail to present evidence at said hearing, then you waive your right to present further evidence to the Board and the Board will proceed to receive and consider evidence from those persons and/or entities who appear at and participate in the hearing.

Please be advised that there may be other matters scheduled for consideration and/or hearing by the Board for the same date and time. If such other matters are scheduled, then the hearing on the complaint referenced above may not begin until some or all of the other matters are considered and/or heard by the Board. Nevertheless, you should appear at the time and date stated above, if you intend to appear at and/or present evidence for the hearing on the complaint referenced above.

TOWN OF ST. JOHN CONTRACTORS
BOARD OF LICENSING

BY: _____
Town Representative