



YACHT AND SHIP LICENSEE COMPLAINT FORM

INSTRUCTIONS

Thank you for contacting the California Department of Parks and Recreation, Division of Boating and Waterways (DBW). Please review the following information carefully, as it will assist you in filing your complaint. This version of the enforcement complaint form has been enhanced to allow for on-line information entry using Adobe Acrobat Reader 4.0 or greater*. All entries may be typed on-line prior to printing, or they may be printed out and filled in using ink. Forms must be signed to be processed. Digital Signatures will only be accepted via e-mail; You may also print and sign the forms (in ink) to either scan and submit via e-mail, or send by mail/courier. Completed/signed forms may be mailed or emailed to the addresses shown on page 2.

DBW's Yacht and Ship unit enforces Harbors and Navigation Codes (HNC) found at §700-740 and Title 14 of the California Code of Regulations (CCR) Article 8 § 7601-7623. Pursuant to HNC § 734, and CCR § 7603, DBW has a legislative mandate to investigate complaints submitted by consumers. DBW investigates complaints against Yacht and Ship Brokers and Salespeople who are accused of violating HNC. If DBW can prove there was a violation of HNC within its jurisdiction, civil penalties may be levied against the licensee. Depending on the circumstances of the violation, a formal hearing may be held which could result in the suspension or revocation of licenses held by those found in violation.

All complaints must be submitted in writing. Upon receipt DBW, will review the complaint and notify you if additional information is needed. If the complaint is deemed outside of DBW's jurisdiction, you will be notified by DBW. If your complaint is substantiated and assigned for investigation, you will be notified of the name of the investigator as well as the outcome of DBW's investigation.

A violation of HNC cannot be determined merely because a complaint has been filed and only specific violations of HNC can be investigated. DBW does not have authority to resolve issues involving ethics or contract disputes. DBW cannot act as a court of law, thus is not able to order that monies be refunded, contracts be cancelled, damages be awarded, etc. If you have these types of concerns, you should consult with an attorney. Complaints alleging violations of HNC must be made within a timely manner. DBW has the authority to conduct investigations, collect information and take enforcement action within three years of discovering the facts constituting the grounds for that action. Licensed brokers are required to retain, for four years, copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed or obtained by the broker in connection with a transaction for which a broker's license is required; therefore, DBW has the authority to conduct investigations and collect information within this four year time period and may be unable to collect information from outside the four years.

In preparing your complaint, please summarize your concerns in a chronological manner using these guidelines:

- What happened. Start from the beginning and describe the events as they occurred. Be specific as to what was said, and who said it.
- Who was present during these conversations or acts.
- When and where these conversations/acts took place.

Documentary evidence is especially important. If applicable, please include legible photocopies of all documents relating to your transaction such as listings, offers, deposit receipts, correspondence, copies of the front and back of checks involved, advertising, etc., and attach them to the written complaint. If you are unable to submit photocopies, you may submit the originals, which will be copied and returned to you.

DBW's Deputy Director exercises DBW's disciplinary functions, which are governed by statute of limitations. DBW must file formal disciplinary action within three years from the date of DBW's discovery of the alleged violations.

In most cases, a disciplinary hearing is required to take action against a broker or salesperson's license. Disciplinary hearings are presided over by an Administrative Law Judge from the Office of Administrative Hearings which is a state agency independent of DBW. After the hearing has concluded, the Administrative Law Judge prepares a proposed decision, which is sent to the DBW Deputy Director for consideration, and final decision.

Additional information about DBW and its functions is available at <http://dbw.parks.ca.gov>.

When you have completed the complaint form, you may either submit the **signed** complaint to DBW by e-mail to Yachtandshipenforce@parks.ca.gov or mail the complaint to DBW at the appropriate address below:

Regular & first-class USPS mail can be sent to:

Division of Boating and Waterways
Yacht and Ship, Floor 12
PO Box 942896
Sacramento, CA 94296-0001

Delivery service (FedEx, UPS, etc.) packages may be sent to:

Division of Boating and Waterways
Yacht and Ship, Floor 12
4940 Lang Ave, Dock H
McClellan, CA 95652

DO NOT FORGET TO SIGN YOUR FORM AT THE END OF PAGE 8.

YACHT AND SHIP LICENSEE COMPLAINT FORM PRIVACY NOTICE

Civil Code section 1798.17 requires a Privacy Notice on Collection be provided when personal information is collected from individuals.

Please do not include any personal information that is not requested.

Each individual has the right to review personal information maintained by this agency, unless access is exempted by law. You may review your records by contacting the official responsible for maintaining your information below. We will not disclose your personal information unless authorized by law.

To learn more about our Privacy Policy, visit parks.ca.gov/privacy

AGENCY NAME Department of Parks and Recreation	DIVISION Division of Boating and Waterways
TITLE OF OFFICIAL RESPONSIBLE FOR MAINTENANCE OF THE INFORMATION Boating Safety Manager	CONTACT PHONE NUMBER (888) 326-2822
BUSINESS ADDRESS OF OFFICIAL PO Box 942896; Sacramento, CA 94296-0001	CONTACT EMAIL Yachtandshipenforce@parks.ca.gov
AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION Government Code §§11015.5 and 11019.9 and Division 3, Chapter 5, Article 2, Section 700 of the Harbors and Navigation Code	
THE FOLLOWING ITEMS OF INFORMATION ARE VOLUNTARY, ALL OTHERS ARE MANDATORY All fields are voluntary; however, lack of information may limit the scope of the complaint investigation	
THE CONSEQUENCES, IF ANY, OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION The complaint may not be resolved	
THE PRINCIPAL PURPOSE(S) WITHIN THE AGENCY FOR WHICH THE INFORMATION IS TO BE USED The information is used to investigate the complaint and to reach a resolution to the complaint	
KNOWN OR FORESEEABLE DISCLOSURES OF THE INFORMATION PURSUANT TO CIVIL CODE SECTION 1798.24, SUBDIVISIONS (e) OR (f) Information may be identifiable to the respondent to your complaint; therefore, it may be disclosed incidentally	

YACHT AND SHIP LICENSEE COMPLAINT FORM INFORMATION

DATE RECEIVED (DPR, DBW)

COMPLAINANT INFORMATION

NAME (First Middle Last)

EMAIL ADDRESS

ADDRESS (Street Address, City, State, Zip Code)

CONTACT PHONE NO.

PERSON/COMPANY INFORMATION (COMPLAINT AGAINST)

1. FULL NAME OF BUSINESS, COMPANY OR FIRM

BUSINESS PHONE NO.

ADDRESS (Street Address, City, State, Zip Code – include room, apartment, suite no. if any)

2. FULL NAME OF SALESPERSON, AGENT OR REPRESENTATIVE

EMPLOYED BY

FULL NAME OF SECOND SALESPERSON, AGENT OR REPRESENTATIVE (IF ANY)

EMPLOYED BY

3. DATE(S) OF TRANSACTION

PLACE(S) WHERE TRANSACTION(S) OCCURRED

ADDRESS OF PROPERTY INVOLVED

4. HAVE YOU CONTACTED THE BUSINESS REGARDING THE COMPLAINT?

☐ NO (SKIP TO #5)

☐ YES (CONTINUE)

DATE(S) OF CONTACT

PERSON(S) CONTACTED

RESULTS OF CONTACT

5. HAVE YOU FILED THE MATTER WITH ANOTHER LAW ENFORCEMENT OR CONSUMER PROTECTION AGENCY?

☐ NO (SKIP TO #6)

☐ YES (COMPLETE AGENCY FILING INFORMATION BELOW)

IF YES, NAME OF AGENCY

ADDRESS OF AGENCY

RESULTS OF AGENCY FILING

6. HAVE YOU RETAINED AN ATTORNEY TO ASSIST IN RESOLVING THIS MATTER?

☐ NO (SKIP TO #7)

☐ YES (CONTINUE)

NAME OF ATTORNEY

BUSINESS PHONE NO

ADDRESS OF ATTORNEY

MAY WE CONTACT YOUR ATTORNEY WITH REFERENCE TO THIS MATTER?

☐ NO

☐ YES

7. IS THIS COMPLAINT RELATED TO A LAWSUIT FILED OR PENDING IN ANY COURT?

☐ NO (SKIP TO #8)

☐ YES (CONTINUE)

NAME OF COURT

ADDRESS OF COURT

TYPE OF ACTION

8. ARE YOU WILLING TO APPEAR AS A WITNESS, TESTIFY UNDER OATH AND BE CROSS-EXAMINED CONCERNING THE ALLEGATIONS MADE IN THIS COMPLAINT?

☐ NO (LIST REASONS BELOW) ☐ YES (SKIP TO #9)

9. WERE THERE ANY WITNESSES TO THE DESCRIBED TRANSACTIONS?

☐ NO (SKIP TO #10) ☐ YES (COMPLETE THE FOLLOWING WITNESS INFORMATION AND DESCRIBE IN #11 SPECIFICS OF WHAT THEY WITNESSED)

FULL NAME OF WITNESS (#1)

RESIDENCE ADDRESS

RELATION TO WITNESS

WITNESS CONTACT PHONE NUMBER

WITNESS E-MAIL ADDRESS

FULL NAME OF WITNESS (#2)

RESIDENCE ADDRESS

RELATION TO WITNESS

WITNESS CONTACT PHONE NUMBER

WITNESS E-MAIL ADDRESS

10. INDICATE WHICH OF THE FOLLOWING DOCUMENTS ARE ATTACHED, INCORPORATED, AND MADE PART OF THIS COMPLAINT.

ATTACHED	NOT AVAILABLE	TYPE OF DOCUMENT
<input type="checkbox"/>	<input type="checkbox"/>	Listing agreement
<input type="checkbox"/>	<input type="checkbox"/>	Deposit receipt (offer)
<input type="checkbox"/>	<input type="checkbox"/>	Cash receipt(s)
<input type="checkbox"/>	<input type="checkbox"/>	Cancelled check(s)
<input type="checkbox"/>	<input type="checkbox"/>	Escrow instructions, amendments, & closing statements (if any)
<input type="checkbox"/>	<input type="checkbox"/>	Offer to purchase agreement
<input type="checkbox"/>	<input type="checkbox"/>	Copies of any additional documents which relate to your complaint and are not listed above

11. IN THE FORM OF A BRIEF STATEMENT, GIVE THE FULL ESSENTIALS OF YOUR COMPLAINT BELOW.

- Refer to instructions (pages 1-2) for guidelines relating to statement preparation.
- Include full names of individuals, including all witnesses present during the transaction(s). Be factual. Try to answer the questions **who, what, where, and when**. Attach extra sheets if more room is needed.

(11. Statement of Complaint – Continued)

COMPLAINANT CERTIFICATION

I certify under penalty of perjury that the foregoing statement and attachments thereto are true and correct. Signed this _____ day of _____, in the year of _____, In the city of _____, in the State of California.

SIGNATURE OF COMPLAINANT

PRINTED NAME