

JOB DESCRIPTION
BCGEU

1. Position No. 81037, 81038, 80808, 80814	2. Descriptive Working Title Compliance Investigator		3. Present Classification AO 4
4. Department Compliance	5. Branch/Section Licensing & Consumer Services	6. Proposed classification	Date January 2017 Revised Mar 2021
7. Position No. of Supervisor 81026	8. Descriptive Work Title of Supervisor Deputy Registrar-Compliance		9. Classification of Supervisor Excluded Management
10. Job Summary:			

Reporting to the Deputy Registrar-Compliance, the Compliance Investigator fulfills the duties of the Compliance Officer as specified in the *Homeowner Protection Act* (the “*Act*”) and any regulations (the “*Regulations*”) enacted under the *Act*. The incumbent is responsible for conducting investigations to ensure that residential builders within the Province of British Columbia operate in compliance with the *Act* and *Regulations*. He/She/They performs audits of information from various sources including the Licensing Database and, for alleged cases of misconduct, conducts investigations. The incumbent gathers verbal and documentary evidence in a legal and procedural manner and, in cases where there is considered to be a breach of the *Act* and *Regulations*, recommends courses of action to the Deputy Registrar-Compliance. The position provides background information for the preparation of evidence and the necessary documentation to utilize the administrative tools found under the *Act* and *Regulations*, for court actions of a quasi-criminal nature through preparing draft Reports to Crown Counsel, and of a civil nature through court-ordered injunctions. The incumbent provides advice and information regarding Licensing & Consumer Services (LCS) policies and procedures and the application of the *Act* to all stakeholders.

11. Duties:

1. Manages a full caseload of investigation files. Determines appropriate investigative methods given the nature of the file, and exercises discretion in performing risk management assessment of potential instances of non-compliance and in the handling of potentially sensitive situations. Determines appropriate compliance/enforcement tools, including when to pursue compliance/enforcement actions, voluntary compliance techniques and/or administrative penalties and judicial remedies. Ensures all activities related to files are properly documented within the LCS Database and prioritized according to LCS Branch priorities.
2. Reviews a variety of information (including documentation from various regulatory bodies, legal documents, court records, building agreements and contracts, purchase and sales agreements, mortgage documents, warranty company files and residential construction industry periodicals) obtained through monitoring the Licensing database; liaises with local, regional and provincial government officials, home warranty insurance companies, realtors, banking institutions, and other industry stakeholders; and monitors activity in the BC residential construction industry.
3. Ensures compliance with the *Act* and *Regulations* with respect to the licensing of residential builders, mandatory provision of home warranty insurance, the use of Owner Builder Authorizations and the applicability of exemptions.
4. Performs audits of information detailing residential builder activities, investigates alleged cases of misconduct and non-compliance in the field, and gathers verbal and documentary evidence in a legal and procedural manner. Initiates investigations into complaints regarding alleged cases of residential builders’ non-compliance with *Act* and its *Regulations*.
5. Performs on-site audits, including risk management, of new residential construction based on information forwarded from the Deputy Registrar-Compliance, the Licensing Department and others.
6. Performs regular audits of Owner Builder Authorizations, conducts field investigations as necessary to ensure that an individual is entitled to an Owner Builder Authorization and performs the appropriate follow-up/investigation throughout the construction process to ensure it is properly concluded.

7. Conducts targeted on-site investigations, exercising BC Housing's statutory authority under the *Act* to enter and examine construction sites, inspect pertinent construction records and question individuals with respect to licensing matters, worker qualifications and the work performed by the workers. Pursues other avenues of investigation, including conducting interviews of individuals off-site.
8. Follows the rules of evidence when conducting investigations; maintains detailed records of all field work, including maintaining detailed and meaningful field notes, taking written statements, including warned statements, and procuring digital images of sites visited. Records all field notes and digital images on the Licensing Database in a timely, precise and comprehensive manner.
9. Responds to tips coming into the Compliance Department through various sources, including LCS staff and residential construction industry stakeholders.
10. Prepares and issues Compliance Orders to persons in violation of the *Act* and *Regulations*, including the gathering and compilation of evidence in a legal and procedurally proper manner. Provides support to the Deputy Registrar-Compliance and the Registrar when a request is made for a Compliance Order to be reviewed or a decision of the Registrar is appealed.
11. Briefs the Deputy Registrar-Compliance and the Registrar on matters relating to ongoing investigations, including citing statute and policy violations, reporting on builders being investigated and presenting detailed analysis and documentary evidence of the violations. Provides recommendations for further action and provides support in recommending the suspension/cancellation of Licenses and Owner Builder Authorizations, issuance of Compliance Orders, the issuance of Monetary Penalties, and/or the laying of charges under the *Act* and *Regulations*, including the preparation of Reports to Crown Counsel in extreme cases.
12. Assists Crown Counsel and LCS counsel as necessary. Provides both written and oral testimony in administrative hearings, as well as quasi-criminal and civil proceedings.
13. Provides advice consistent with the intent of the legislation and the policy of the LCS to local, regional and provincial government officials, builders, potential builders, homeowners, warranty providers, industry stakeholders, realtors, lenders, lawyers and the general public.
14. Reviews municipal and regional district building by-laws, interprets the relationship between the *Act* and *Regulations* and local bylaws, and provides advice to local building officials, builders, realtors, lenders, lawyers and other interested parties concerning zoning and planning issues as they relate to the *Act* and *Regulations*.
15. Fosters and maintains strong working relationships with stakeholders in order to conduct the duties of the position, remain aware of developments in the industry and convey changes to *Act* and *Regulations*, as well as LCS policies and processes.
16. Attends industry-related functions including meetings, conferences, consumer/contractor shows and exhibitions for the purposes of communicating current events at LCS and makes presentations related to LCS matters.
17. Performs other related duties that do not affect the nature of the job, including participating on project task teams or assisting with special assignments.

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4. Education, Training and Experience		

Bachelor's degree in a relevant discipline such as law, criminology or business administration.

Extensive experience working in a regulatory environment.

Considerable experience in conducting complex compliance investigations.

or an equivalent combination of education, training and experience acceptable to the employer.

5. Knowledge, Skills and Abilities

Core Competencies:

- Personal Effectiveness
- Communication
- Teamwork
- Results Oriented
- Service Oriented

Extensive knowledge and understanding of the theories, principles, standards and practices of compliance auditing and investigation,

Considerable knowledge of the residential construction industry, including its business practices and the municipal building process.

Considerable knowledge of the *Homeowners Protection Act* and its *Regulations*, and of BC Housing's programs and policies with respect to increasing consumer protection for homebuyers

Considerable knowledge and understanding of the residential construction industry and the municipal building and permitting process in BC

Considerable knowledge and understanding of proceedings in administrative hearings, quasi-criminal hearings and civil court

Strong analytical, research and problem-solving skills, and the ability to reason through complex issues containing competing interests

Excellent communication, interpersonal and relationship management skills, ability communicate with diverse audiences, and ability to exercise sound judgment, discretion, tact and diplomacy in difficult, potentially hostile and confrontational situations

Strong report writing skills, including the ability to prepare and present Compliance Orders, recommendations for the issuance of Monetary Penalties and Reports to Crown Counsel

Excellent note-taking skills and the ability to enter well written, self-explanatory notes within a Licensing Database in a timely manner

Strong organizational skills, and ability to meet deadlines and adapt to changing priorities

Excellent computer skills and proficiency with applicable software programs

Ability to interpret other legislations, including the application of such legislations to diverse fact patterns

Ability to coordinate a large and diverse case load of audits and investigations involving extensive consultation with external parties and stakeholders

Ability to function with a high degree of independence, work under limited supervision and resolve issues effectively on site

Ability to arrange suitable transportation for travel with short notice within B.C.

Ability to work independently as well as function effectively as part of a team

Valid Class 5 BC driver's license with clean driving record

6. Occupational Certification

Criminal Record Check required