

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE  
CHAPTER 15. SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM  
SUBCHAPTER 9. CONSULTANT CERTIFICATION**

**150:15-9-2. Requirements for certification**

All applicants for certification must be citizens of the United States, attend a certification-training workshop and pass a certification examination, ~~including an ethical behavior component.~~ Applicants who fail to pass the required examination may apply to re-test after ~~two months~~ one year.

**150:15-9-4. Duration and recertification**

Certification lasts for one (1) year. ~~During the year e~~Each certified CDBG administrator is required to participate in at least one continuing education ~~or training activity~~ per year. ~~Continuing education or training consists of the following: CDBG continuing education workshop or the actual certification course.~~

**150:15-9-5. Disciplinary action and complaint process**

In order to assure the highest level of performance by certified CDBG administrators, ODOC may take disciplinary action based on activities including, but not limited to, the following:

- (1) Violation of Federal or State Statute, Regulation, or Rule, or the Small Cities Community Development Block Grant Program rules or program designs.
- (2) Ethical violations as set forth herein.
- (3) A certified CDBG administrator pleading guilty, nolo contendere, or being convicted of any felony.
- (4) Failure to certify or recertify.
- (5) Failure to properly supervise an interim CDBG administrator. ~~Grievances or requests for investigation regarding certified CDBG administrators shall be confidential and shall be forwarded in writing to the Director, Division of Community Affairs and Development, of ODOC. All grievances and requests for investigation must be filed within six (6) months of the alleged activity, and all will be investigated and a report prepared on each. If the investigation warrants disciplinary action, the uniform hearing process of the Oklahoma Administrative Procedures Act shall be followed before such penalty may be imposed. If criminal activity is verified, the appropriate authorities will be notified.~~

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**150:15-9-6. Penalties**

- (a) Depending on the nature of the proven violation, penalties to be imposed may include:
  - (1) Decertification
  - (2) Placing an administrator on probation
  - (3) Letter of admonishment
  - (4) Suspension of certified status
  - (5) Combination of the above
- (b) Decertification will be automatic for failure to recertify, or attend a continuing education workshop, following notice with compliance date specified. All other violations will require a hearing.

**150:15-9-7. Process to impose penalties**

- (a) Upon Department of Commerce, the Division Director of the Division of Community Affairs and Development, or his/her designees, are charged with investigating the grievance or request for investigation. The investigation will be undertaken within fifteen days of the receipt of the grievance or request for investigation.
- (b) The Division Director makes a report of the findings of the investigation to the Administrator Responsibility Commission. The Administrator Responsibility Commission is a five-(5) person panel with representatives of ~~the Administrative Consultants Association of Oklahoma, the Oklahoma Municipal League, the Oklahoma Association of Community Action Agencies, Oklahoma Association of Regional Councils, and the Association of County Commissioners of Oklahoma~~ one (1) representative from the Oklahoma Department of Commerce, two (2) representatives from the Council of Governments, and two (2) private Certified Grant Administrators. There shall be two (2) alternates, one (1) from the Council of Governments and one (1) from the private Certified Grant Administrators. The above representatives shall be selected by the executive director, president, or equivalent of the named organizations.
- (c) On the basis of the investigative report and the grievance or request for investigation the Administrator Responsibility Commission shall determine if a formal disciplinary proceeding be commenced by the filing of a ~~written complaint~~ formal Grievance Form obtained from the Oklahoma Department of Commerce website ([www.okcommerce.gov](http://www.okcommerce.gov)). The Administrator Responsibility Commission can also find that no formal action be taken, a letter of admonishment be written or direct the Division Director to take any other action permitted by the contract between the Oklahoma Department of Commerce and the general purpose local government.
- (d) The complaint will be served on the Certified CDBG Administrator who shall have twenty (20) days to respond to the complaint.
- (e) If a formal hearing in conducted, the hearing will be presided by the Administrator Responsibility Commission who shall be assisted by legal counsel to be retained by the Oklahoma Department of Commerce. The hearing shall be conducted pursuant to the provisions of the Oklahoma Administrative Procedures Act.
- (f) At the conclusion of the disciplinary proceedings the Administrator Responsibility Commission shall present their proposed findings of fact and conclusions of law and recommendations to the Executive Director of the Oklahoma Department of Commerce.
- (g) The Executive Director of the Oklahoma Department of Commerce shall issue final findings of fact and conclusions of law, impose discipline after considering the proposed findings

of fact and conclusions of law and recommendations of the Administrator Responsibility Commission.

(h) Any person who is aggrieved by a decision regarding the imposition of a penalty shall be entitled to an administrative appeal pursuant to 75 O.S. 1991, 250 et seq. Oklahoma Administrative Procedures Act.

**150:15-9-8. Interim certification and use of mentor**

(a) In the event an individual wishes to act as an administrator, and the individual has not previously been tested and failed, and individual can act as an interim CDBG administrator upon the completion of the following:

- (1) The individual must provide written notice to the Oklahoma Department of Commerce of the interim CDBG administrator's name, address, telephone number; and the name of the certified CDBG administrator that has agreed to be the mentor and supervise the interim CDBG administrator. The Mentor form may be obtained from the Oklahoma Department of Commerce Website (www.okcommerce.gov).
- (2) A statement that the interim CDBG administrator understands that he/she is subject to all of the same rules and standards as if they were a certified CDBG administrator, and is also subject to discipline.

(b) Interim certification is effective only until the next certification class and examination.

(c) The mentor must be a certified CDBG administrator in good standing and will cosign all forms, applications, and other documents with the interim CDBG administrator. In the event that a grievance or request for investigation is filed against the interim CDBG administrator, an automatic investigation will be instituted against the mentor to determine if the mentor properly supervised the interim CDBG administrator. The mentor may be subject to discipline for failure to properly supervise an interim CDBG administrator.

**150:15-9-9. Unethical conduct per se**

The following practices are considered unethical conduct per se by the Oklahoma Department of Commerce.

(1) Certified CDBG Administrators shall not enter into contracts with an applicant ~~that provides that if the CDBG Administrator is selected as the Administrator for a project, the Administrator's fee for the reparation of the application is waived~~ offering to prepare an application to ODOC for CDBG funding assistance with the understanding that no fee for preparing the application will be charged if that administrator is selected to administer the project. Administrators shall enter into a separate contract for the preparation of the application if the Administrator wishes to be paid. The previous contract and/or fee shall have no impact on the fee negotiated between the Administrators and the city, town, or county the Administrator is negotiating with.

(2) All CDBG award recipients are to procure their CDBG Administrators from the list of certified CDBG Administrators, unless the recipient wishes to self-administer the project. Any attempt by a certified CDBG administrator to influence the selection of the certified CDBG administrator by the recipient of the CDBG award is unethical conduct.