

DEPARTMENT OF FOOD AND AGRICULTURE



Division of Measurement Standards
8500 Fruitridge Road
Sacramento, California 95826-4808

DMS NOTICE
W – 02 – 5

December 20, 2002

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: County Weighmaster/Petroleum Subvention Contract Compliance Audit Procedure

Attached to this notice you will find the updated Weighmaster and Petroleum Subvention Contract Compliance Audit Procedure.

In an effort to better assess the training needs of county weights and measures officials in the area of weighmaster audits and service station inspections, the Liaison and Training Unit will perform these audit procedures beginning in January 2003.

Questions regarding the Subvention Contract Audit Procedure may be directed to David Lazier, Chief of the Weighmaster/Petroleum Branch at (916) 229-3044 or you may e-mail him at: dlazier@cdfa.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Cleary".

Mike Cleary
Director
(916) 229-3000

cc: Ed Williams

Attachment

County Subvention Contract Compliance Audit Procedure

- Select an appropriate sample size, based on the total number of program specific locations in the county, using the following table:

Total Number of Locations	Location Sample Size
1-500	All up to 26
501-800	30
801-1300	40
1301-3200	50

- One half of the sample size locations for the county subvention compliance audit shall be selected randomly from locations inspected by the county within the preceding six months based on records submitted to DMS.
- One half of the sample size locations for the county subvention compliance audit shall be selected randomly from locations inspected by the county over the last three (3) years based on the records required to be maintained in the county office pursuant to the contract.
- The subvention compliance audit will be performed by both the DMS LTU Measurement Standards Specialist III and the SIU Senior Special Investigator assigned to the county using the inspection procedures and enforcement procedures specified in the Weighmaster Enforcement/Petroleum Products Branch Procedure Manual and DMS Citation Procedure Manual. County weights and measures personnel responsible for performing the subvention audits in the county should be encouraged to accompany the Branch staff during the subvention compliance audit process for the purpose of additional training.
- The subvention compliance audit will consist of the following:
 - (a) An overview of the inspection records being kept by the county verifying that the work was done. Records will be reviewed for completeness of the forms, proper enforcement action by the issuance of Notices of Violations (NOVs), Notices of Proposed Action (NOPA), citations, etc., and evidence that the NOVs have been followed-up to verify the correction of violations.
 - (b) A reinspection of randomly selected locations visited by the county within the last six months to verify that a proper and complete inspection was performed and that violations have been corrected.
 - (c) An inspection of randomly selected locations visited by the county and billed for within the last three years to verify that a proper and complete inspection was performed and that violations have been corrected. This will also help establish what the overall residual effect of inspections is on program specific locations.

- (d) During a petroleum audit, samples will be taken of all prepackaged and bulk petroleum and automotive products being sold at the location up to a maximum of eight (8) samples total.
- The county sealer or deputy sealer for the county will be notified at least two (2) weeks ahead of time, in writing by the Branch Chief, that the DMS will be performing a county subvention compliance audit. The LTU and SIU Branch staff who will be performing the audit will meet with the county sealer, or deputy sealer at the start of the subvention audit to explain the process. Specific locations will not be revealed prior to the completion of the compliance audit.
- At the conclusion of the county subvention compliance audit, both the LTU and the SIU Branch staff who performed the audit will schedule an appointment with the county sealer or deputy sealer to review the compliance audit results and discuss problem areas and solutions.
- The Branch Chief will prepare and mail a written report of the county subvention compliance audit to the county sealer. The report will contain the following elements:
 - (a) The results of the DMS staff's inspection of the county's work.
 - (b) Recommendations for inspection improvements, training, use of proper inspection procedures and enforcement actions, issues regarding the billing of the county's work, and other concerns that DMS may have with the county inspection work.
 - (c) A comparison of the county's audit results to the statewide baselines for the program elements inspected.
 - (d) The importance of the program in the county and its fiscal effect on the county and its constituents.
 - (e) Comments, concerns, and issues expressed by the county sealer or deputy sealer during the verbal discussion of the compliance audit results.

The LTU will take the lead on the county audits. Each LTU/SIU team will start and complete, within 60 days, one county weighmaster and one county petroleum audit of a county's subvention work, in their assigned geographical area, pursuant to the schedule below. Undercover work at public scales will be performed by both the Senior Special Investigator (or Special Investigator) and Measurement Standards Specialist III assigned to the same county. All counties will be completed on a three year (3 year) rotation.

Questions regarding the interpretation of Business and Professions Code or California Code of Regulations sections, Branch procedure manuals, or Branch policy are to be referred to the Weighmaster Enforcement/Petroleum Products Branch Chief for clarification and resolution.