



## INSTRUCTIONS FOR COMPLETING THE MRE INSPECTION REPORT

The **MRE Inspection Report** will be utilized to document and report all inspections conducted at licensed or unlicensed Metal Recycling Entities (MREs). The **MRE Inspection Report** will be referred to as **RSD-46**. **RSD-46** will also be used to complete all required weekly and monthly reports and be submitted at the close of each calendar month. **RSD-46** will need to be complete (*including all information and appropriate signatures/approvals*) for administrative action to be taken.

**PLEASE NOTE** – Do **not** conduct a follow-up inspection **until an administrative determination has been completed** on the first inspection; as the administrative process allows the MRE 20 days to respond to and request an informal hearing (Texas Administrative Code §36.52). *The administrative process is: Notice of Reprimand (opportunity to appeal/hearing), then Final Order of Reprimand. If another deficiency is found within 2 years of the Final Order of Reprimand the MRE can be suspended, but the Final Order of Reprimand MUST be sent out before further administrative action can proceed.* The MREs in need of inspection or follow-up inspection will be listed on the Regional Reports provided by RSD/RCS. \*All Administrative letters are emailed (bcc) to the agent who conducted the inspection.

\*\*When performing an inspection on a MRE always check TOM to see if they are reporting transactions. Remember the MRE has 2 business days to report their transactions. Please note the MRE is only required to report regulated metal and regulated material transactions.

### When to make selections on the form:

If the MRE is **Not in Compliance-Deficient** in the category then **select NO**. If there is **no deficiency select YES** that they are in compliance.

- If **no** deficiencies are found have the MRE representative sign in the Acknowledgement of Inspection area.
- If there are **any** deficiencies found have the MRE representative sign in the Deficiencies Found area.

When filling out the form you must first determine the basis for inspection. Enter:

**Agent Name:** Actual name as it appears in Outlook (if DPS)

**ID:** Badge Number/ACID – login username (just the numbers associated is adequate)

**Area:** Agent's service area (include region)

**Date:** actual date of inspection MM/DD/YYYY

**Time Started:** enter time; then select AM or PM

## Definitions

### Basis for Inspection

- For purposes of determining the basis for an inspection, personnel should use the following criteria when determining the reason for selection of a business or individual to inspect:
  - **External-Based**  
Selected primarily from a formal complaint or credible information received from sources outside DPS, alleging a suspected or actual violation of statute or rule;
  - **Internal-Based**  
Selected primarily from proactive strategies or information developed by DPS personnel, using internal or external resources. Reporting purposes, operations, initiatives and proactive enforcement efforts are included.



- **Random-Based**  
Selected for a reason that does not meet the definition of external-based or internal-based, and is not based on a specific pattern, plan, system or methodology;
- **Other**  
Selected for not meeting the definition of external-based, internal-based or random-based.

#### **Total Inspection Hours**

- Show the total of time spent conducting inspection. If multiple personnel are onsite, this is a cumulative total of hours reported for onsite inspection for all DPS-commissioned personnel (this does not include other agencies, but should include time spent on any research of inventory or time spent completing paperwork. All hours should be **rounded up to the nearest hour**. (Example: If the inspection takes 1 hour and 2 DPS-commissioned personnel are onsite the total inspection hours would be 2 hours.)

#### **Metals Recycling Entity (MRE)**

- Complete the section to indicate any deficiencies found. If additional space is needed for additional notes, place the text on Page 3 under the section, "Deficiencies / Other Findings / Notes". In the additional notes, describe the deficiencies not include in the previous information, and indicate if charges were filed;
- You **must choose YES** or **NO** for **every** potential deficiency/compliance choice.

#### **Metals (MRE) Inspection Results**

**Stolen Vehicles/Parts Recovered:** Should reflect the following:

1. The total value of all recovered property during this inspection by the lead agent. Value of specific types of regulated materials and metals should be determined locally by a reputable business.
2. Total weight. Total weight should be reported in pounds not ounces. In those instances when the total weight does not reach one (1) pound the amount should be reported as one (1) pound.
3. Felony Charges Filed: Total Number of All Felony Charges filed as a result of a MRE inspection and includes criminal violations such as theft, forgery, possession of certain controlled substances, etc.
4. Misdemeanor Charges Filed: Total Number of All Misdemeanor Charges Filed as a result of a MRE inspection and includes criminal violations such as possession of marijuana, tampering, UCW, etc.
5. Custodial Arrest. This includes all felony and misdemeanor arrest(s) occurring as a result of a MRE inspection and includes criminal violations such as possession of marijuana, tampering, UCW, etc.

#### **Deficiencies / Other Findings / Notes**

- This area should be used to capture notes and comments needed for prosecution or for a follow up inspection. An example of items that may appear here is when a demolisher fails to complete their duties to obtain title or authority for destruction TRC 683.056 or demolisher failed to keep records (1-Year) TRC 686.057. This should include any other notes that the lead agent feels are needed.



- **Supervisors are expected to verify all information in each inspection report for completeness.** Supervisors are responsible for ensuring all inspection reports are submitted to headquarters at required periods. A signature on Page 3 of **RSD-46** will allow for proper verification that the report was reviewed by a supervisor.
- When an agent conducts an inspection on a business which holds multiple licenses or permits the agent should complete only one full inspection report to cover all licenses or permits at a given address.

Indicate if there are no records in TOM (MRE not reporting) but MRE is not currently purchasing regulated material/metal. As no current records in TOM show a potential violation of Texas Occupations Code §1956.036, and according to Texas Administrative Code §36.60, an administrative penalty may be imposed for Failure to Report to DPS.