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## **FORMAL COMPLAINT**

### **PREAMBLE**

Oxebridge Quality Resources International LLC (“OQRI”) a provider of management system consulting services and a well-known industry stakeholder within the ISO 9001 sphere, alleges that Smithers Quality Assessments (herein “Smithers”) has violated multiple clauses within ISO 17021:2011, specifically those pertaining to the separation of consulting services and ISO 9001 conformity assessment, specifically by engaging in collusive marketing regarding ISO 9001/SN9001 training alongside PJA, Inc. d/b/a John Allin Consulting.

OQRI hereby requests formal corrective action in accordance with clauses 4.7 and 9.8 of ISO 17021:2011, to include a documented acknowledgement of receipt of this complaint, a thorough and systemic investigation, corrective and preventive corrective action, and notification of actions taken when complete.

NOTE: ISO 17021 clause 4.7 indicates that complaints may be issued to certification bodies by “parties that rely on certification,” and not only direct clients of the certification body. It furthermore references ISO 10002 in its section on complaints, and ISO 10002 allows for the submission of complaints to certification bodies by “interested parties,” and not just direct customers. Based on this information, OQRI asserts it right to submit this complaint not only on behalf of its clients, but on behalf of itself as an interested party, directly concerned with the validity of the certificates issued by accredited certification bodies.

### **APPLICABLE ISO 17021 CLAUSES**

The herein complaint relies on the knowledge that Smithers is accredited by ANAB to ISO 17021:2011, and that the following rules and definitions of that standard apply to it:

*4.2.3 To obtain and maintain confidence, it is essential that a certification body's decisions be based on objective evidence of conformity (or nonconformity) obtained by the certification body, and that its decisions are not influenced by other interests or by other parties.*

*4.2.4 Threats to impartiality include the following:*

*a) Self-interest threats: threats that arise from a person or body acting in their own interest. A concern related to certification, as a threat to impartiality, is financial self-interest.*

*5.2.7 The certification body shall not certify a management system on which a client has received management system consultancy or internal audits, where the relationship between the consultancy organization and the certification body poses an unacceptable threat to the impartiality of the certification body.*

*5.2.9 The certification body's activities shall not be marketed or offered as linked with the activities of an organization that provides management system consultancy. The certification body shall take action to correct inappropriate claims by any consultancy organization stating or implying that certification would be simpler, easier, faster or less expensive if the certification body were used. A certification body shall not state or imply that certification would be simpler, easier, faster or less expensive if a specified consultancy organization were used.*

*5.2.11 The certification body shall take action to respond to any threats to its impartiality arising from the actions of other persons, bodies or organizations.*

*5.2.12 All certification body personnel, either internal or external, or committees, who could influence the certification activities, shall act impartially and shall not allow commercial, financial or other pressures to compromise impartiality.*

*5.2.13 Certification bodies shall require personnel, internal and external, to reveal any situation known to them that may present them or the certification body with a conflict of interests. Certification bodies shall use this information as input to identifying threats to impartiality raised by the activities of such personnel or by the organizations that employ them, and shall not use such personnel, internal or external, unless they can demonstrate that there is no conflict of interests.*

*5.3.2 The certification body shall evaluate its finances and sources of income and demonstrate to the committee specified in 6.2 that initially, and on an ongoing basis, commercial, financial or other pressures do not compromise its impartiality.*

*10.3.7 The certification body shall establish procedures for identification and management of nonconformities in its operations. The certification body shall also, where necessary, take actions to eliminate the causes of nonconformities in order to prevent recurrence [and]... reviewing the effectiveness of corrective actions.*

## **EVIDENCE**

*Note: evidence is presented as links in footnotes. Copies of evidence are on file with Oxebridge, and available for review, in the event that links have changed since the filing of this complaint.*

On June 10 – 12 2014, the Snowfighters Institute held an event called “ISO Training”<sup>1</sup> or “ISO Pre-Event Training.”<sup>2</sup> The founder and President of the Snowfighters Institute is one John Allin.<sup>3</sup> The fee for the event was \$995.<sup>4</sup>

John Allin is also the principal consultant for PJA Inc. d/b/a John Allin Consulting, a provider of ISO 9001 and SN9001 consulting services.<sup>5</sup> & <sup>6</sup> The Snowfighters Institute is “wholly owned by PJA Inc,” according to documents.<sup>7</sup>

The event was presented by Mr. Allin alongside Gretchen Merriman, Director of Operations of Smithers. The only other presenter was Kevin Gilbride of ASCA, which has promoted both Smithers and John Allin in separate venues (outside of the scope of this complaint.)

Smithers is accredited by the ANSI/ASQ National Accreditation Board for both ISO 9001 and SN9001 third party auditing, under accreditation rule ISO 17021. Smithers markets both such services.<sup>8</sup> & <sup>9</sup> ANAB lists Smithers as accredited to ISO 17021 for both ISO 9001 and SN9001.<sup>10</sup>

The published agenda for the June event indicated that Ms. Merriman and Mr. Allin co-presented a number of items on the implementation and consulting aspects of ISO 9001 and SN9001, including:

*“What is the process to become ISO Certified for those in the snow and ice management business? What will the Certification Body Auditing company actually do throughout this whole process? What is the process for the CB’s when they come to my company? What processes (as they relate to our snow business) and written procedures should we have in place?”*

John Allin’s group issued a contest where the winner received an “endowment” of up to \$2,495 in “registration fees” for an SN9001 related event. If that was, in fact, for the June 2014 event, this would mean that John Allin Consulting gave used a cash incentive and award program to drive clients to a promotional event for Smithers.<sup>11</sup>

PLUS... Apply today for an Inner Circle Endowment. one contractor will be awarded up to \$2,495 in registration fees toward a training event to introduce SN9001. The winner will be chosen from all qualified applications received by April 11, 2014 by a committee vote.

[CLICK HERE FOR AN APPLICATION FORM>>>](#)

<sup>1</sup> <http://www.snowfightersinstitute.com/iso-training.html>

<sup>2</sup> <http://www.snowfightersinstitute.com/assets/pdfs/ISO%20Agenda.pdf>

<sup>3</sup> <http://www.snowfightersinstitute.com/founder.html>

<sup>4</sup> <http://www.snowfightersinstitute.com/assets/pdfs/ISO%20Reg%20form.pdf>

<sup>5</sup> <http://blog.johnallin.com/2014/06/tammy-johnson-takes-on-new-role-at-john.html>

<sup>6</sup> <http://www.johnallin.com/#!/pre-audit-gap-assessments/c1xcg>

<sup>7</sup> <http://www.snowfightersinstitute.com/assets/pdfs/ISO%20Reg%20form.pdf>

<sup>8</sup> <http://www.smithersregistrar.com/iso9001/sn-9001.shtml>

<sup>9</sup> <http://www.smithersregistrar.com/239-announcing-our-accreditation-to-sn9001.shtml>

<sup>10</sup> <http://tinyurl.com/ohoqmmb>

<sup>11</sup> <http://www.snowmagazineonline.com/snow-040414-snowfighters-institute-bione.aspx>

No other ISO 9001 or SN001 consultants or certification bodies were present at the event, nor have appeared on any John Allin blog posts or podcasts.

On February 19, 2013<sup>12</sup> and October 1, 2013<sup>13</sup>, Ms. Merriman participated in two “Blog Talk Radio” programs hosted by John Allin for his company’s “Managing Snow and Ice” podcast series. She did so representing Smithers, and was advertised as such. Smithers’ website also promoted the podcast events.<sup>14</sup>

On, Smithers ran a promotional blog article promoting John Allin, specifically pertaining to ISO 9001 and SN9001 “documentation mistakes.”<sup>15</sup> This blog post included the following blurb:

*John gives real-life examples on how failure to get written verification of a verbal directive from a client and one-time lack of appropriate documentation can end up costing a snow and ice contractor hundreds or thousands of dollars in legal fees and settlement costs.*

The Smithers blog post linked to an article in Snow Magazine by John Allin.<sup>16</sup> Mr. Allin is on the editorial board for Snow Magazine.<sup>17</sup> Smithers has never posted any links to any other snow industry related magazine, but rather only to the Allin-related publication.

## **ALLEGATIONS**

Based on the evidence presented herein, OQRI alleges that Smithers is currently in severe breach of ISO 17021:2011 as follows:

1. Oxebridge alleges that Smithers has conducted a coordinated marketing campaign alongside the consulting firm PJA Inc. and its principal John Allin, thereby jointly marketing their combined services for ISO 9001/SN9001 consulting and third party certification. This breaches rules against ensuring a proper firewall exists to prevent conflicts of interest, and to prevent confusion in the marketplace between consulting and certification services. Therefore:
  - a. The joint marketing raises a threat to objectivity as demanded by clause 4.2.3.
  - b. The financial investments by Smithers to co-host events, alongside the “endowment” cash incentive and hosting fees covered by PJA, present a financial self-interest threat to impartiality under 4.2.4(a), in that Smithers is knowingly allowing a consultant to pay potential clients to attend an event where Smithers is presenting.
  - c. The relationship between Smithers and PJA appears unique in that it isolates all other stakeholders from participating, such as other consulting firms, other certification bodies, and restricts the marketing only between the two parties. This introduces an unacceptable threat to impartiality under 5.2.7.
  - d. The joint marketing on the PJA website, on the Snowfighters Institute website, in Snow Magazine, on the Smithers website, and in the PJA “Blogtalk on the Radio” podcasts present clear evidence of linking consulting and conformity assessment, which is prohibited under clause 5.2.9.

<sup>12</sup> <http://www.blogtalkradio.com/johnallin/2013/02/20/new>

<sup>13</sup> <http://www.blogtalkradio.com/johnallin/2013/10/01/new>

<sup>14</sup> <http://www.smithersregistrar.com/235-sqas-second-appearance-on-blogtalkradio.shtml>

<sup>15</sup> <http://www.smithersregistrar.com/234-achieving-sn9001-correct-your-snow-ice-management-documentation-mistakes.shtml>

<sup>16</sup> <http://www.snowmagazineonline.com/snow0913-record-keeping-tips.aspx>

<sup>17</sup> <http://www.snowmagazineonline.com/Contact.aspx>

- e. Smithers has failed to take action to respond to the threat of impartiality raised by its staff member Gretchen Merriman, as required by clause 5.2.11.
  - f. Ms. Merriman failed to act impartially and allowed commercial, financial and other pressures to compromise Smithers impartiality, in contradiction of clause 5.2.12.
  - g. As a result of allowing Ms. Merriman to represent Smithers in such venues, and to then promote these venues on its site, Smithers has failed to identify an input to threats to impartiality, and has not restricted the activities, as required by 5.2.13.
  - h. Smithers has failed to evaluate its finances and sources of income, which may be derived from the PJA sponsored events, thereby creating a significant financial or commercial threat to impartiality as prohibited under 5.3.2.
2. Oxebridge also alleges a failure on the part of Smithers' corrective action procedures. In December 2010, Oxebridge filed a complaint with Smithers alleging it had violated similar or identical clauses of ISO 17021 by allowing John Sedlak Consulting to write "White Papers" on ISO 9001 implementation for its website. At the time, Gretchen Merriman indicated the materials were removed and that the corrective action plan was to have "all literature will be reviewed by SQA management prior to posting or distributing." The fact that Smithers website is currently promoting Ms. Merriman's appearances on the John Allin podcast indicates a failure of Smithers to ensure the corrective action taken in 2010 was effective, as required by clause 10.3.7.

Oxebridge Quality Resources International, on behalf of stakeholders and interested parties within the accredited ISO 9001 and SN9001 certification schemes, formally requests that Smithers perform a proper and thorough investigation into its marketing activities within the ISO 9001 and SN9001 scope of accreditation, and take suitable corrective action to permanently correct and resolve these violations, or the matter will be escalated to ANAB and, if necessary, the IAF.

Furthermore, because of her personal role in developing the SN9001 standard, and working with ASCA – of which John Allin is a founding member – to promote it, we expect that Smithers' VP Jeannette Preston will recuse herself of any investigation into this matter, as will any other Smithers staff responsible for SN9001 marketing or development, or a further complaint against clause 4.7 will be appended or filed.

Respectfully,



Christopher Paris  
VP Operations  
Oxebridge Quality Resources International LLC