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United Kingdom Accreditation Service
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Via email to: customerfeedback@ukas.com

March 3, 2014

FORMAL COMPLAINT SUBMITTAL (AMENDED)

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 Lloyd’s Register Quality Assurance (“LRQA”) has failed to abide by its accreditation requirements under ISO 17021 on two major points: first, in a failure to acknowledge and process formal complaints lodged against it, and secondly by issuing a certification to an organization which it knew was circulating counterfeit ISO 9001 certificates bearing the LRQA and UKAS logos.

OQRI hereby requests UKAS conduct a thorough, formal investigation of all facts concerning the allegations made herein, in accordance with this requirements under ISO 17011, and sanction LRQA accordingly.

APPLICABLE ISO 17021 CLAUSES

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

ISO 17021 clause 4.7 Responsiveness to Complaints defines the following:

Parties that rely on certification expect to have complaints investigated and, if these are found to be valid, should have confidence that the complaints will be appropriately addressed and that a reasonable effort will be made to resolve the complaints. Effective responsiveness to complaints is an important means of protection for the certification body, its clients and other users of certification against errors, omissions or unreasonable behaviour. Confidence in certification activities is safeguarded when complaints are processed appropriately.

ISO 17021 clause 8.4.3 requires that:

The certification body shall require that the client organization

- a) conforms to the requirements of the certification body when making reference to its certification status in communication media such as the internet, brochures or advertising, or other documents,*
- b) does not make or permit any misleading statement regarding its certification,*
- c) does not use or permit the use of a certification document or any part thereof in a misleading manner*

ISO 17021 clause 9.8 requires that:

9.8.3 Any complaint about a certified client shall also be referred by the certification body to the certified client in question at an appropriate time.

9.8.6 The certification body receiving the complaint shall be responsible for gathering and verifying all necessary information to validate the complaint.

9.8.7 Whenever possible, the certification body shall acknowledge receipt of the complaint, and shall provide the complainant with progress reports and the outcome.

9.8.9 Whenever possible, the certification body shall give formal notice of the end of the complaints-handling process to the complainant.

9.8.10 The certification body shall determine, together with the client and the complainant, whether and, if so to what extent, the subject of the complaint and its resolution shall be made public.

EVIDENCE

Note: copies of evidence are on file with Oxebridge, and available for review.

On or about 29 August 2013, LRQA Vienna was notified by a customer of Hoerbiger Hungary Kft that the organization had been submitting what appeared to be falsified ISO 9001 certificates for the purposes of winning a contract with his company. The certificate, presented as EXHIBIT 3, lists the Hoerbiger Hungary site as part of a multi-site certification, and features the logos of LRQA and UKAS. LRQA representative Bjoern Mueller acknowledged, via email, that the certificate was not a valid one. The complainant pressed LRQA on how it came to later certify Hoerbiger Hungary, despite knowledge of the counterfeit certificate, but the question was never answered satisfactorily.

Pertinent to this point is that in November of 2013, the complainant wrote to Mr. Mueller, indicating his dissatisfaction with their response, as follows: *"I mean, how is it possible to issue an international certificate to a company which once before counterfeited this same certificate?"*

Despite this, however, LRQA did not take formal corrective action on this complaint, and left the matter as having been resolved with the complainant.

The original complainant then contact Oxebridge to assist in getting a resolution from LRQA. On 13 January 2014, Oxebridge wrote to LRQA and requested formal corrective action on the issue. LRQA responded less than ten days later,

on January 22nd, with an anonymous rebuttal of the complaint, in which it also threatened legal action against Oxebridge for libel and slander. The threat came anonymously, and Oxebridge demanded that the complaint be signed in order for its legality to be recognized. A signed version, from Mr. Denis Ives, LRQA EMEA Regional Business Manager, was later submitted (see EXHIBIT 1), and included a restated legal threat.

In response to the information provided by LRQA, Oxebridge amended its complaint and sent a revised version on January 28th. As of March 3rd, this complaint has not been acknowledged by LRQA. This is in stark contrast to the previous response by LRQA where it issued a threat of lawsuit within less than ten days, indicating that the organization has the ability to respond in a timely manner when they determine to do so.

Regarding the counterfeit certificate, Oxebridge has determined that the counterfeit certificate was created through a graphics editing program, such as Photoshop™, by cutting and pasting the signature and dates from LRQA certificate VNA0004748/A (see EXHIBIT 5) onto the expired certificate VNA0004741/A (see EXHIBIT 6) and then printing the resulting artifice as a PDF file. During the various communications, both LRQA representatives Mueller and Ives confirmed that LRQA was aware the certificate was counterfeit.

In the response to Oxebridge's first complaint (since withdrawn), Mr. Ives reported the following explanation (see EXHIBIT 1):

LRQA certificate number VNA0004748/A is only valid for the location and period stated on the certificate.

In relation to the Hoerbiger Hungary Kft site (Hoerbiger Hungary), we can confirm that this location was originally part of LRQA Certificate number VNA0004741/A, until April 30, 2013, when, along with a number of other locations, Hoerbiger Hungary was not continued as part of the certification. Prior to April 30 2013, Hoerbiger Hungary was periodically audited throughout the certification period in line with our accredited assessment process.

In October 2013, following a successful audit, Hoerbiger Hungary, as a separate entity, received LRQA certificate number VNA6018699 which is only valid for the stated location. On-site visits in connection with this certificate were carried out on October 11, 2013 and October 31, 2013.

Therefore, Hoerbiger Hungary did not have an ISO 9001:2008 certificate from LRQA between May 1st and October 31st, 2013.

In reference to the five page document attached to your email to Mr. Mueller, we can confirm that this did not originate from LRQA.

The valid certificate (#VNA6018699) is attached as EXHIBIT 4, and was signed by Mr. Ives himself. The date of certification is the same as the last day of the LRQA assessment, October 31, 2013.

This account differed from that provided to the original complainant from Mr. Mueller, who stated on September 20th 2013:

On September 3rd, we responded to your initial concerns by confirming that the ISO 9001 certificate in question relative to Hoerbiger Hungary Kft was not a valid LRQA certificate. In parallel, we had informed the headquarters of our client Hoerbiger of this situation. Following their own internal investigation, Hoerbiger requested that LRQA undertook an ISO 9001 assessment at Hoerbiger Hungary Kft to ensure this particular site's compliance with international quality management system ISO 9001. This process has been completed

and their certificate is now valid along with the other Hoerbiger sites.

To summarize the differences in these accounts, Mr. Mueller indicates that upon notification by the customer of the fake certificate, LRQA offloaded the responsibility of the investigation to its customer, Hoerbiger, who then requested an audit, in order to bring the Hungarian site into compliance. In Mr. Ives' account, however, the Hungarian site was apparently brought into compliance as a matter of procedure, and not the result of a complaint. Neither response indicates any investigation – nor even any concern on the part of LRQA – that the customer was circulating a counterfeit certificate, in such a manner that not only violates ISO regulations, but likely national and local laws for fraud.

Oxebridge has repeatedly asked Mr. Ives for an accounting of why the two versions of the story are different, but Mr. Ives – nor anyone else at LRQA – has responded.

In summary, this means that LRQA was aware of the fake certificate as early as August 2013, and yet conducted no investigation into the matter. They conducted an assessment of the Hungary facility on October 31, 2013, and issued a certificate the same day. This would indicate that no nonconformity was issued against Hoerbiger Hungary for the circulation of the counterfeit certificate, as any such nonconformity would have had to have been filed, acknowledged, corrective action taken, corrective action reviewed, subsequently reviewed by LRQA's certification committee, and then closed... all within 24 hours.

Worsening matters, a copy of this complaint to UKAS was cc'd to LRQA, upon which it was returned from LRQA's mail servers with the notice that the Oxebridge email address has been "blacklisted." See screenshot below:

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From: Mail Delivery Subsystem <MAILER-DAEMON@punt14.authsmtp.com>☆
Subject: Returned mail: see transcript for details
To: Chris Paris★

The original message was received at Mon, 3 Mar 2014 04:30:19 GMT
from mail-c235.authsmtp.com [62.13.128.235]

----- The following addresses had permanent fatal errors -----
<enquiries@lrqa.com>
(reason: 553-Sorry, your email address chris@oxebridge.com has been)
<Bjoern.Mueller@lrqa.com>
(reason: 553-Sorry, your email address chris@oxebridge.com has been)
<denis.ives@lrqa.com>
(reason: 553-Sorry, your email address chris@oxebridge.com has been)

----- Transcript of session follows -----
... while talking to cluster8.eu.message-labs.com.:
||| DATA
<<< 553-Sorry, your email address chris@oxebridge.com has been
<<< 553-blacklisted. Please see the FAQs section on spam at
<<< 553-http://www.message-labs.com/support/ for more
<<< 553 information (#5.7.1)

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ALLEGATIONS

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

1. Oxebridge alleges that LRQA failed to conduct a proper ISO 9001:2008 certification assessment for Hoerbiger Hungary Kft because it granted certification to the company without giving consideration to the evidence, acknowledged by LRQA, that the company had previously been circulating a counterfeit

- certificate. ISO 17021 clause 8.4.3 requires that, *“the certification body shall require that the client organization a) conforms to the requirements of the certification body when making reference to its certification status in communication media such as the internet, brochures or advertising, or other documents, b) does not make or permit any misleading statement regarding its certification, c) does not use or permit the use of a certification document or any part thereof in a misleading manner.*
2. Oxebridge alleges that despite having received three separate complaints on the matter, between the dates of August 2013 and January 2014, LRQA never conducted any investigation into the circulation of counterfeit certificates bearing its logo and that of UKAS, also per ISO 17021 clause 8.4.3 as defined above.
 3. Oxebridge alleges a pattern of failure, by LRQA staff, to properly process customer complaints in accordance with ISO 17021 clause 9.8. This is evidenced by:
 - a. LRQA’s initial failure to process the complaints received by them, from the Hoerbiger customer, of the counterfeit certificate as far back as August 2013
 - b. LRQA’s response to Oxebridge’s initial complaint (since withdrawn) by threatening legal action,
 - c. LRQA’s complete failure to acknowledge receipt – never mind process -- the subsequently amended complaint submitted to it by Oxebridge over a month ago, and
 - d. LRQA’s intentional blacklisting of the Oxebridge domain email address, thereby preventing the submission of formal complaints to their organization.

Specifically, these violations are as follows:

The issue of the false certificate does not appear to ever have been referred to Hoerbiger at any time, contrary to ISO 17021 clause 9.8.3 (*Any complaint about a certified client shall also be referred by the certification body to the certified client in question at an appropriate time.*)

Per the Mueller account, LRQA placed responsibility for the investigation back on its client, rather than conducting the investigation itself, in contradiction to ISO 17021 clause 9.8.6 (*The certification body receiving the complaint shall be responsible for gathering and verifying all necessary information to validate the complaint.*)

LRQA has failed to respond to the final complaint issued against it by Oxebridge, in contradiction of ISO 17021 clause 9.8.7 (*Whenever possible, the certification body shall acknowledge receipt of the complaint, and shall provide the complainant with progress reports and the outcome.*)

LRQA has failed to provide proper notification of closure of the complaint, and instead settled the matter through email or by issuing threats of legal action, in contradiction of ISO 17021 clause 9.8.9 (*Whenever possible, the certification body shall give formal notice of the end of the complaints-handling process to the complainant.*)

LRQA has failed to consider, discuss or determine, if the public should be notified of the circulation of false certificates bearing its name, despite knowledge that this puts at risk both the validity of LRQA certificates and ISO 9001 certificates in general, and despite knowledge that this circulation may be in violation of local and national laws, and as such it may be in the best interest of the public to be alerted to this condition, per ISO 17021 clause 9.8.10 (*The certification body shall determine, together with the client and the complainant, whether and, if so to what extent, the subject of the complaint and its resolution shall be made public.*)



LRQA has willfully neglected its duty to remain responsive to complaints, by intentionally blacklisting the Oxebridge email address so that complaints cannot be received, in contradiction of ISO 17021 clause 4.7 (*Parties that rely on certification expect to have complaints investigated and, if these are found to be valid, should have confidence that the complaints will be appropriately addressed and that a reasonable effort will be made to resolve the complaints. Effective responsiveness to complaints is an important means of protection for the certification body, its clients and other users of certification against errors, omissions or unreasonable behaviour. Confidence in certification activities is safeguarded when complaints are processed appropriately.*)

Regarding the legal threats issued by LRQA, Oxebridge does not wish to deny any party the right to pursue legal action in the face of what they perceive as valid grounds; however, in the context of responding to a formal complaint under ISO 17021, response with threats of lawsuits sends a chilling effect to all possible clients and complainants that LRQA will not only refuse to adhere to ISO 17021 rules on complaints handling, but will aggressively threaten those organizations that dare request corrective action of it. This is against both the letter and spirit of ISO 17021.

Oxebridge Quality Resources International formally requests that UKAS perform a proper and thorough investigation into LRQA's complaints processing process, as well as a complete and thorough investigation of the Hoerbiger Hungary certification assessment activity, and whether LRQA issued a certificate to Hoerbiger while ignoring the problem of the counterfeit certificate.

Respectfully,

A handwritten signature in black ink, appearing to read "CP", with a long horizontal flourish extending to the left.

Christopher Paris
VP Operations
Oxebridge Quality Resources International LLC