

THE CONSORTIUM¹

Overseas Registration Examination Part 2

Suspected Malpractice Policy and Procedures

Summary

Any invigilator² who suspects malpractice by a candidate or centre staff during the examination must bring this to the attention of the Lead Examiner for that component as soon as is practically possible. The Lead Examiner will then discuss this with the External Examiner(s) present and who will jointly decide whether the reported malpractice is of a minor nature or a serious infringement and considered a more major breach of examination regulations.

The invigilator will record the details of the malpractice on the standard form (Appendix A) attached to the end of this document.

If an instance of suspected malpractice occurs before or after the examination the invigilator observing this should bring it to the attention of the Lead Examiner for the component of the examination. He/she will discuss the event with the Chair of the Examination Board and Chief External Examiner. As above a decision will be made that a suspected act of malpractice has occurred and if so, whether it is a minor or major infringement and act accordingly.

If the alleged malpractice is deemed to be a minor infringement, the candidate would be permitted to complete that part of the examination. He/she would then receive a formal verbal warning from the Lead Examiner, and a copy of the form describing the malpractice. The warning would subsequently be minuted at the Examination Board.

Where the malpractice is considered to be of a more serious nature then the candidate would receive a notification from the Lead Examiner that there has been a suspected occurrence of malpractice. The candidate would be given a copy of the form describing the suspected malpractice. The documents would then be forwarded to the Chair of the Examination Board for consideration. A Conduct Panel would be convened where it is confirmed that a major breach of examination regulations has occurred.

¹ **THE CONSORTIUM** is made up from the following organisations:

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Dentistry,
Queen Mary, University of London
Turner Street
London E1 2AD.

² Where the word invigilator is used it may represent any of the following personnel: an internal or external examiner; a QA assessor; an actor or a member of the examination and centre support staff

Pending the decision of the Conduct Panel, the candidate's results from the examination will be withheld.

The Conduct Panel will meet and decide if the malpractice is proven and decide upon the penalty (see section 6.1 below). The candidate will be informed of the decision and who can appeal this within 10 working days.

1. Introduction

This policy sets out the suspected malpractice by candidates, examiners and centre support staff for the ORE Part 2.

Candidates are expected to behave in the examination in a professional manner with integrity as one would expect from a member of the dental profession. Candidates infringing this expected level of behaviour may not only jeopardize their continuing involvement in the examination but may also be at risk of being reported to the GDC.

Examiners and centre support staff are expected to behave in the examination in a professional manner with integrity as one would expect from a member of staff involved with the running of a professional examination. Examiners and centre support staff infringing this expected level of behaviour will be reported to that Examination Board / centre's management for action.

1.1. The document aims to:

- Define malpractice in the context of the ORE Part 2;
- Establish the regulations relating to candidate and centre staff conduct under which the Part 2 ORE operates;
- Set out the rights and responsibilities of the candidates, examiners and centre support staff in relation to such matters;
- Describe the procedures to be followed in cases where there is reason to suspect that the regulations have been broken, and
- Describe the potential sanctions which may be applied to different types of malpractice.

1.2. Lead Examiners will supervise personally all investigations resulting from an allegation of malpractice occurring within their own component.

1.3. The Consortium reserves the right to withhold the issuing of a candidate's results while investigations are ongoing. Depending on the outcome of the investigation, results may be released or permanently withheld.

1.4. The Consortium is required to inform candidates, examiners and centre support staff of their individual responsibilities and rights as set out in these guidelines.

2. Definitions

2.1. Regulations

The regulations referred to in this document are those for the conduct of examinations which are found in:

- These regulations for the ORE Part 2;
- The policy documents found on the Consortium's and GDC's websites for the ORE;
- The documentation sent to candidates on the conduct of individual parts and components of the examination;
- Guidance sent to centres on the invigilation and conduct of examinations;
- Letters and circulars sent to candidates and centres by the Consortium.

2.2. Malpractice

Malpractice is deemed to be those actions and practices which threaten the integrity of the examination, and/or damage the authority of those responsible for conducting them.

2.3. Candidate malpractice

The following are examples of malpractice by candidates. The list outlined below is not exhaustive and other instances of malpractice may be considered by the Consortium at their discretion:

- 2.3.1 Introduction into or use in an examination room or holding area of unauthorised material, for example: notes, textbooks or study guides, personal organisers, calculators, dictionaries, personal stereos, mobile phones³, laptops or other similar electronic devices;
- 2.3.2 The unauthorised removal of an examination script, any part of an examination script or blank examination stationery from the examination room;
- 2.3.3 Obtaining, receiving, exchanging or passing on information which could be examination-related (or the attempt to) by means of talking, written papers/notes or telephone or electronic communication prior to or during a particular examination diet;
- 2.3.4 Attempting to solicit information about the contents of a particular examination diet from candidates or examiners or centre support staff:
 - before the examination,
 - during the period of the examination,
 - in the period between components of the examination,
 - in the period between days of the examination
- 2.3.5 Contacting or attempting to contact internal or external examiners or any member of the examination staff prior to or after a particular examination diet for any reason⁴;
- 2.3.6 Copying from another candidate;
- 2.3.7 Collusion;
- 2.3.8 Disruptive behaviour in the examination rooms or premises (including the use of offensive language);
- 2.3.9 Failing to abide by the conditions of supervision designed to maintain the security of the examinations;
- 2.3.10 Failing to abide by the instructions or advice of an invigilator, examiner, or centre staff in relation to the examination rules and regulations;
- 2.3.11 Impersonation: pretending to be someone else or arranging for a third party to take the candidate's place in an examination;
- 2.3.12 The inclusion of inappropriate, offensive or obscene material in answers and written or verbal examination feedback;
- 2.3.13 Misuse of examination material, e.g. by recording and passing or attempting to pass such material to a third party after the examination;
- 2.3.14 Physical or verbal abuse or intimidation of examination candidates, officials, examiners, centre staff or simulated patients;

³ **Mobile telephones:** It is accepted that for reasons of personal safety, including emergency contact with friends and family, candidates cannot be forced to leave mobile telephones behind when attending on the day of the exam. However, we reserve the right to ask candidates to switch off their telephones and place them in a clear plastic bag and ensure that this is on display at all times, or to leave the telephone in designated secure storage at the place of the exam and for the duration of the exam only. Candidates found with concealed mobile telephones or other electronic devices, or during the exam will have breached exam regulations and this may impact on GDC registration should the candidate subsequently pass the ORE.

⁴ This paragraph does not relate to contact with the Consortium's Examination Team or centre administrative staff for the purpose of confirmation of information provided by them in relation to the ORE.

- 2.3.15 Bribing or attempting to bribe an examination official or simulated patient;
- 2.3.16 The alteration of any results document, including certificates;
- 2.3.17 Behaving in such a way as to undermine the integrity of the examination;
- 2.3.18 Contravention of the instructions on the conduct of the examination and the candidates' responsibilities, contained in documents that have been sent to the candidates; or that are published on the ORE website; or that have been conveyed to them by examinations staff or invigilators;
- 2.3.19 Making spurious complaints that are a deliberate attempt to unfairly gain advantage.

3. Allegations of malpractice

- 3.1. Allegations of malpractice may be reported to Consortium by examiners, invigilators, candidates, and simulated patients. When dealing with alleged malpractice, Consortium will communicate with both the invigilator or supervising examiner and the candidate or the candidate's representative.
- 3.2. Consortium will seek to establish the full facts and circumstances of any alleged malpractice by centres or candidates by seeking full accounts from and, where appropriate, interviewing, all parties involved. The Consortium will seek to investigate all allegations of malpractice, but reserve the right to reject allegations which lack substance or appear, upon examination, to be malicious or mischievous.
- 3.3. If malpractice is discovered during or immediately after the examination by someone at the centre, a full report must be submitted immediately after the event to the relevant Consortium member by the invigilator or supervising examiner. In most circumstances, the candidate will be permitted to complete the examination but will be warned about the alleged misconduct and informed that a report will be made to the Consortium. Exceptions to this principle would include cases where the candidate's behaviour was disturbing other candidates or was jeopardising the security or conduct of the examination.
- 3.4. If malpractice is alleged after the examination or is discovered by a member of the Consortium, full details of the alleged malpractice will be reported to the invigilator or supervising examiner from the centre where the examination was conducted and he/she will be asked to comment in writing on the report.
- 3.5. In all cases a candidate accused of malpractice will be sent full details of the allegations and evidence against him/her and be given the opportunity to respond in writing to allegations made. The candidate will be given time to reply to the allegations.
- 3.6. Anonymous reports
Anonymous reports of malpractice will be acted upon only if there is supporting evidence, or if the nature of the report warrants it. In these cases the invigilator or supervising examiner will be informed and asked to comment.
- 3.7. Access to evidence – confidentiality of evidence
It is at the discretion of the Consortium as to the means by which evidence is presented to the individuals involved. However, the Consortium will ensure that individuals subject to a malpractice investigation have access to all evidence against them and are provided with sufficient time in order to allow full responses to be prepared.
- 3.8. Investigation at a centre into alleged malpractice by candidates.
 - 3.8.1 A candidate suspected of malpractice should be allowed to complete the examination (provided that no disturbance is being caused to other

- candidates, in which case he/she should be removed and his/her examination terminated).
- 3.8.2 The candidate should then be informed of the nature of the alleged malpractice by the Lead Academic Examiner in the presence of an appropriate witness.
 - 3.8.3 A full report should be submitted, including an account of the candidate's response.
 - 3.8.4 The candidate should be advised that the matter will be subject to an investigation and advised that any written statement that he or she wishes to make should be received by the Consortium's ORE Examinations Team within 10 working days of the date of the examination.
 - 3.8.5 Any material illegally introduced into the examination room should be temporarily confiscated (including electronic equipment) and a receipt given.
 - 3.8.6 If the candidate refuses to permit the material or equipment to be confiscated, this fact will be recorded.
- 3.9 It is the responsibility of the Academic Lead, acting on behalf of the Consortium, to carry out an investigation, to submit a full written report of the case and to provide supporting evidence, including the actual material confiscated where appropriate.

Reports should include:

- 3.9.1 A statement of the facts: a detailed account of the circumstances and details of any investigations carried out by the centre;
- 3.9.2 Written statement(s) from the invigilators or other staff concerned;
- 3.9.3 Written statement(s) from the candidate(s) concerned;
- 3.9.4 Any mitigating factors;
- 3.9.5 Seating plans where appropriate;
- 3.9.6 Unauthorised material found in the examination room;
- 3.9.7 Any work of the candidate and any associated material which is relevant to the investigation.

4. Consideration of the allegation

- 4.1 In following up the receipt of a formal report of allegation of malpractice (para 3.8) the Chair of the Examination Board should write to the candidate, enclosing a copy of the report, and inform him or her of the possible consequences should malpractice be proven and of the avenues for appealing should a judgement be made against him or her (Appendix B for flowchart for procedures). The candidate should also be reminded that he or she has until 14 days after receipt of the letter in which to submit a written statement.
- 4.2 Once the candidate's response to the allegation contained in the report has been received, or 14 days after the examination, whichever is the later, the Chair of the Examination Board, or equivalent, will consider the case and decide upon a course of action. The course of action followed will be determined by the perceived degree of malpractice and may range from:
 - 4.2.1 if the nature of the allegation is non-contentious, or merits a Penalty 1 warning, it may be investigated by the Chair of the Examinations Board (or equivalent). Should a warning be appropriate, this may be issued by the Chair of the Examinations Board;
 - 4.2.2 Convening a panel to consider the case using paper procedures;
 - 4.2.3 Convening a panel to consider the case using hearing procedures.
- 4.3 Full details of the panel procedure should be sent to candidates whose case is put before a panel.

- 4.4 In most cases the events will be considered on the basis of documentary evidence alone and candidates will respond to allegations in writing. However, in the instance of a hearing, candidates have the right to appear to put their case and in such cases they will be offered the opportunity to be accompanied or represented by a legal adviser or other representative or supporter.

5. The Panel

5.1 The panel - general

5.1.1 For allegations for which the appointment of a Conduct Panel is required, as set out above, the panel will comprise:

- The Head of Examinations of the RCS or his/her representative as chair;
- Three experienced examiners of the Consortium other than the one responsible for that part of the examination in which the alleged malpractice took place;
- And, if required, an educational adviser and a legal adviser
- A representative of the GDC will attend as an observer
- A member of the Consortium's QA team will attend as an observer
- The panel meeting will be minuted by the Consortium's Project Manager.

The candidate will be given at least eight weeks' notice that there a hearing of the panel is to be held, and will be given at least one week's notice of the date and time of that hearing.

5.1.2 The panel will determine its own procedures in order to meet the required functionality of para 5.1.5 below. The panel will aim to deal fairly and reasonably with candidates and with those making allegations against them, but it is not a Court of law and so the civil standard of proof will apply

5.1.3 Members of the panel should not normally have had any prior involvement with the candidate's examination performance or any close working relationship with the candidate (and must disclose this if it is the case). Members of the panel should not have had any involvement in the investigation of the candidate's alleged misconduct.

5.1.4 The documentation will be dealt with as follows:

5.1.4.1 the panel and the candidate against whom an allegation has been made must have access to the same documentation;

5.1.4.2 the documentation will consist of the allegation, the Consortium's report, the candidate's response and any witness statements of evidence to be relied upon by both sides.

5.1.5 The panel will function as follows:

5.1.5.1 the panel will establish whether correct procedures have been followed in the investigation of the case, and that the candidate accused of misconduct has been given the opportunity to respond properly to the allegations and, if requested, to make a personal statement;

5.1.5.2 the panel will consider the allegations and the report upon them, including any evidence offered in response by the candidate;

5.1.5.3 the panel will reach a decision on the balance of probabilities, the 'civil standard of proof'.

5.1.5.4 the panel will set out its decision in writing with reasons, including the evidence taken into account, how the evidence was weighed and why it arrived at its decision. This will be passed to the Chair of the Examinations Board (or equivalent), who will then take action to inform the candidate of the outcome;

5.1.5.5 the panel should conduct its business as a matter of priority in

order that the candidate is informed of the outcome in a timely manner.

5.2 The panel – paper proceedings

5.2.1 in addition to the general proceedings above, the following will apply to a panel considering its actions by paper/email. The panel's chairman will:

5.2.1.1 be responsible for the circulation of all material to the panel members;

5.2.1.2 be responsible for any decision to upgrade the paper panel to a hearing should the evidence determine that a hearing was appropriate.

5.3 The panel – hearing proceedings

5.3.1 The candidate will be given at least eight weeks' notice of the holding of a hearing of the panel. The documentation to be considered by the panel will be in an agreed form and finalised not less than five days before the date fixed for any hearing. Only in exceptional circumstances will the panel entertain the introduction of any additional evidence at the hearing itself.

5.3.2 If required, the panel will hear evidence from the candidate or his/her representative and may call for witnesses in order to illuminate the case. The panel will have the right to question the candidate or his/her representative or any witnesses.

6. **Sanctions and penalties applied against candidates**

6.1 The Consortium may, at their discretion, impose the following sanctions and penalties against candidates found guilty of breaking the regulations and any previous misconduct will be taken into account:

Penalty 1. The candidate is:

- Issued with a formal warning about their conduct
- Informed that the formal warning will be forwarded to the GDC Examinations Department to be added to the candidate's record.
- Informed of the likely penalties if that conduct is repeated.

Penalty 2. The candidate's result for a one or all components is withheld or annulled. i.e. the candidate *fails* the examination as a whole.

Penalty 3. The candidate is *barred* from entering the examination *for a set period or permanently*. (This penalty will usually be combined with Penalties 1 and 2 above.)

6.2 Penalty 3 may only be sanctioned following approval by the GDC in each case. The Consortium will inform the GDC of the imposition of *any* penalty against a candidate. In certain circumstances it may be appropriate to inform the police if it is suspected that a criminal offence may have been committed.

7. **Principles for applying sanctions and penalties**

7.1. The sanctions and penalties are not to be applied to offences according to a fixed scale, but are to be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors. Appendix 2 provides **Table of offences graded according to levels of seriousness and showing potential ranges of penalties applied to candidates**

7.2 The Consortium reserves the right to apply penalties flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

- 7.3 All penalties must be justifiable and reasonable in their scale and consistent in their application.
- 7.4 Penalties may only apply to the examination in which the offence has been committed or may apply additionally to possible future examinations.
- 7.5 For reasons of consistency of approach in the application of penalties, the Consortium will not (*subject to any mitigating factors or extenuating circumstances*) take into account the consequential effects of any particular penalty that might arise from the circumstances of the individual.
- 7.6 Penalties applied will remain on record.

8. Communicating decisions

- 8.1 Candidates, centres and individual staff will be informed of decisions in writing as soon as possible after decisions are made and in all cases within 10 days of the holding of a panel. It is the responsibility of the Chair of the Examination Board (or equivalent) to communicate the decision to the individuals concerned, and to give warnings in cases where this is indicated.

9. Reviews of Decisions

- 9.1 A request to review the Panel's decision can only be made on the basis of procedural error or new evidence. Such a request will be considered by the Registrar of the GDC whose decision is final and may not be contested.

10. Costs

- 10.1 Neither the Consortium, nor any of its constituent member organisations, will meet any costs incurred by the candidate in attending either a panel meeting or any appeal meeting.

Appendix A.

REPORT OF A MINOR BREACH OF EXAMINATION REGULATIONS.

CANDIDATE NAME:

NUMBER:

COMPONENT OF EXAMINATION:

DATE OF EXAMINATION: __ / __ / __

EXAMINER NAME :

LEAD EXAMINER NAME :

STATEMENT OF THE ALLEGED BREACH OF THE EXAMINATION REGULATIONS

A brief factual summary of the breach that is alleged to have occurred, indicating the nature of the assessment(s) involved; the date and component of the Examination when the breach is alleged to have occurred. Please also give an estimate (e.g. 50%) of the extent of collusion etc .

DOCUMENTATION

Please describe the proof of the allegation which will be given by the Lead Examiner to The Chair of Board of Examiners

DETAILS OF WARNING (PENALTY APPLIED AS DISCUSSED WITH LEAD EXAMINER)

Signed (Examiner):

Date: __ / __ / ____

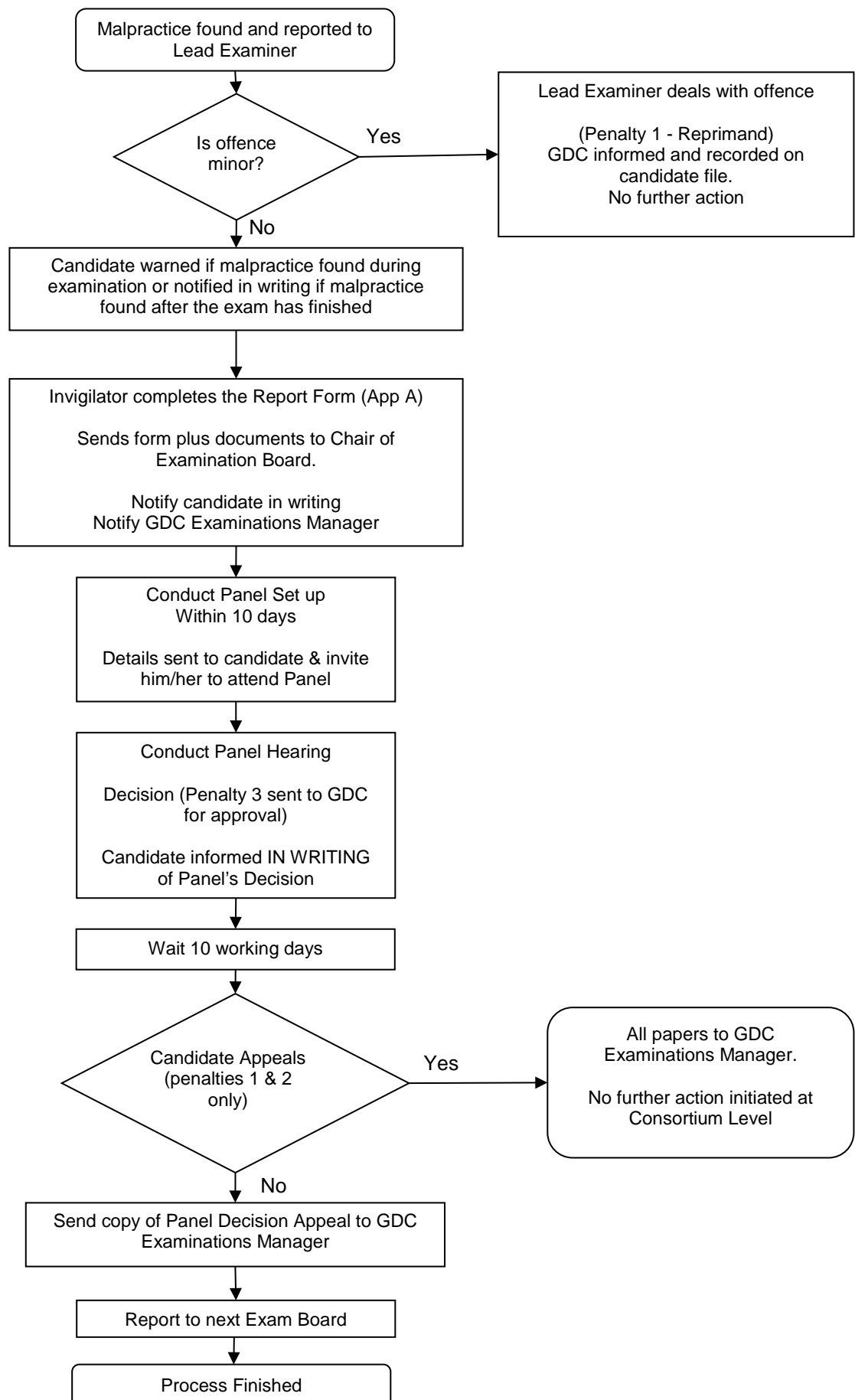
Copy given to Lead Examiner for Chair of Board of Examiners on (date): __ / __ / __

Copy given to candidate on (date): __ / __ / __

Note to candidate:

- This form serves as a formal reprimand.
- A copy of this form will be held by the Consortium for future reference.
- You have the right of appeal within ten days of the date on this form. If you wish to appeal please seek advice before doing so.
- Procedures for appeal are set out in the Consortium's Examination Regulations which can be found at: <http://www.orepart2.org.uk/>
- Any further breach of the examination regulations will be referred to the Conduct Panel.

APPENDIX B
FLOW CHART SUMMARISING ACTIONS IN BREACH OF EXAMINATION REGULATIONS
PROCEDURE



Appendix C - Table of offences graded according to levels of seriousness and showing potential ranges of penalties applied to candidates

Section 6.1 above states that:

The Consortium may, at their discretion, impose the following sanctions and penalties against candidates found guilty of breaking the regulations:

- Penalty 1. The candidate is:
- Issued with a formal warning about their conduct
 - Informed that the formal warning will be forwarded to the GDC Examinations Department to be added to the candidate's record.
 - Informed of the likely penalties if that conduct is repeated.
- Penalty 2. The candidate's result for a one or all components is withheld or annulled. i.e. the candidate *fails* the examination as a whole.
- Penalty 3. The candidate is *barred* from entering the examination *for a set period or permanently*. (This penalty will usually be combined with Penalties 1 and 2 above.)

The following tables give an indication of the possible offences graded according to levels of seriousness and the potential penalties which may be applied. **This list is not exhaustive nor prescriptive.**

Table A1. Introduction of unauthorised material into the examination room or holding areas, for example:

TYPE OF OFFENCE	FORMAL WARNING	ANNULLED RESULT – COMPONENT and DIET	Temporary or Permanent BAR FROM ENTRY
	Penalty 1	Penalty 2	Penalty 3
Notes, textbooks or study guides	Notes relevant to subject, but no proof of attempt to use.	Notes relevant and used, or prepared to be used.	For repeated or extreme examples of activity under Penalty 2
Personal stereo, mobile phone, laptop, or other similar electronic devices.	In the examination room or holding areas and rings or beeps; in the candidate's possession, but no evidence of being used.	Evidence that device is used or prepared to be used to obtain or pass on information	For repeated or extreme examples of activity under Penalty 2
Personal equipment or materials otherwise provided for the examination.	In the examination room or holding areas, in the candidate's possession, but no evidence of being used.	Evidence that 'material' is used or prepared to be used	For repeated or extreme examples of activity under Penalty 2

Table A2. Obtaining, receiving, exchanging or passing on information which could be examination related (or the attempt to):

TYPE OF OFFENCE	FORMAL WARNING	ANNULLED RESULT – COMPONENT and DIET	Temporary or Permanent BAR FROM ENTRY
	Penalty 1	Penalty 2	Penalty 3
Talking / use of telephone .	Isolated incidents of talking before or during the exam or while papers are being collected but candidates have not been dismissed.	Talking or texting during exam about matters with likelihood of giving or obtaining exam related material.	For repeated or extreme examples of activity under Penalty 2.
Written communication or use of laptop.	In the holding areas passing written communications / notes which clearly have a bearing on the examination.	Passing exam related notes to other candidates; deliberately helping one another. Receiving and using information contained in notes.	For repeated or extreme examples of activity under Penalty 2.
<i>Copying from another candidate.</i>		Permitting examination answers to be copied; showing other candidates the answers. Copying from another candidate's answers.	For repeated or extreme examples of activity under Penalty 2.
Collusion, soliciting information about exam from earlier candidates.	Overheard discussion of scenarios, patients or viva questions between candidates who have not yet been examined and those who have.	Collusion was observed to take place.	For repeated or extreme examples of activity under Penalty 2.

Table A3. Disruptive or other behaviour liable to disrupt the examination

TYPE OF OFFENCE	FORMAL WARNING	ANNULLED RESULT – COMPONENT and DIET	Temporary or Permanent BAR FROM ENTRY
	Penalty 1	Penalty 2	Penalty 3
<i>Disruptive behaviour in the examination room (including the use of offensive language).</i>	Minor disruption lasting short time. Use of offensive language to invigilator	Repeated or prolonged disruption; unacceptably rude remarks; behaviour necessitating being removed from the room; warning from invigilator/supervisor ignored.	Provocative or aggravated bad behaviour; repeated or loud offensive comments; physical assault on staff or property.
<i>Failing to abide by the conditions of supervision designed to maintain the security of the examinations.</i>	Removing examination material from the examination room, breaching supervision regulations (candidate unaware of regulations).	Removing examination material from the examination with the intention of distributing the information to others.	For repeated or extreme examples of activity under Penalty 2.
<i>Failing to abide by the instructions or advice of an Invigilator in relation to the examination rules and regulations.</i>	Minor non-compliance, e.g. sitting in a non-designated seat; continuing to write or perform practical work for a short period after being told to stop.	Major non-compliance, e.g. refusing to move to designated seat; significant amount of continuing to perform practical work after being told to stop.	For repeated or extreme examples of activity under Penalty 2.
<i>Impersonation.</i>			Deliberate use of wrong name or number; impersonating another individual; arranging to be impersonated.
<i>The inclusion of inappropriate, offensive or obscene material in written or verbal responses.</i>	Isolated words or drawings, mildly offensive obscenities in answers; isolated mild obscenities or mildly offensive comments aimed at invigilator(s).	Frequent words or drawings, offensive answers; frequent use of obscenities or offensive comments aimed at invigilator(s).	Extremely offensive comments, obscenities or drawings aimed at a invigilator(s) or religious or racial group(s).

Table A4 Other breaches of examination regulations

TYPE OF OFFENCE	FORMAL WARNING	ANNULLED RESULT – COMPONENT and DIET	Temporary or Permanent BAR FROM ENTRY
	Penalty 1	Penalty 2	Penalty 3
<i>Misuse of examination material.</i>	copying examination questions during examination with intention to remove them.	misuse of examination material or information, including: gaining prior knowledge of examination information; improper disclosure or receipt of examination information.	for extreme or repeated examples of activity under penalty 3
<i>the alteration of any results document, including certificates.</i>			falsification / forgery.
<i>bribery</i>			bribing, or attempting to bribe, an examination official, clinical or simulated patient
<i>behaving in such a way as to undermine the integrity of the examination.</i>			attempting to obtain certificates fraudulently; attempted bribery.