



ARIZONA

Janice K. Brewer  
Governor

## Office of Pest Management

Ellis M. Jones  
Acting Director

### THE COMPLAINT PROCESS SUMMARY:

(1) The OPM opens a Complaint, based on the violations discovered during the Inquiry (threshold investigation).

(A) If you are represented by an attorney, the attorney must send a written notice to the OPM, stating the complaint number and WHO the attorney represents. If you are NO LONGER represented by an attorney, you or the attorney must send the OPM written notice, stating the complaint number and who the attorney no longer represents. This must be done for each matter in which you are involved.

(2) Within 10 days, the Respondent(s) are sent written Notice of the Complaint with a copy of the complaint. This Notice of Complaint is a brief summary of the information that the OPM has at this early stage. It does not include information that may be developed during the course of the investigation.

(3) Respondents have 20 days to respond to the Notice of Complaint.

(4) The matter is investigated and a draft/preliminary investigative report is completed.

(5) The complaint is reviewed by OPM staff members.

(6) An attempt is made to schedule a Settlement Conference to inform the Respondent(s) of the likely outcome and obtain any information that has not yet been obtained about the facts and circumstances to attempt to reach a proposed resolution. A Settlement Conference Notice letter is sent to the Respondent(s). The OPM determines a proposed resolution based on many factors, including consistency with similar complaints.

(7) If a Settlement Conference is held and a proposed resolution reached, the matter is forwarded to the Acting Director. The Director can accept the proposed resolution, return it to settlement conference to modify the proposed resolution, dismiss the matter, return it for further investigation, or send the matter to formal hearing.

(8) If a proposed resolution is accepted by the Director, a signed "Consent Agreement" is sent to the Respondent(s) with Findings of Fact, Conclusions of Law, and an Order. It may take 1-2 months before this document is sent. If the Order requires the Respondent(s) to do something (for example: pay a fine, take a class, etc.), the Order will

set out the deadlines for compliance. The OPM monitors compliance with Orders and takes further action for lack compliance.

(9) If no Settlement Conference is held, or if no proposed resolution is reached, or if the Director rejects a proposed resolution, the matter will be sent to formal hearing by the Office of Administrative Hearings (OAH). If a complaint involves unlicensed activity, the Director may issue a Cease & Desist Order and a civil penalty without a formal hearing.

(10) If a matter is sent to formal hearing, the OPM sends the Respondent(s) a “Complaint and Notice of Hearing”, with the date/time of a formal hearing to be held before an independent Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH), an independent hearing agency. A representative from the Attorney General’s Office represents the State. The Respondent has 20 days after service of the Complaint and Notice of Hearing in which to file an answer. The answer must be filed with the Office of Administrative Hearings and a copy sent to the Attorney General’s Office. Failure to file an Answer may result in the allegations in the Complaint being admitted by Default.

(11) A matter may still settle before the hearing, but a Consent Agreement usually must be finalized at least 10 days before the hearing.

(12) After a formal hearing, the ALJ hears the evidence and submits a Recommended Decision to the OPM. submits a Proposed Order to the OPM. The OPM Director may accept, modify or reject part or all of the Proposed Order. A Final Order is mailed to all involved, and terms of the Order and deadlines for compliance should be stated in the Order. A Final Order usually is mailed within 5 days after the Directors decision. Appeal rights are set out in Final Orders.

For more information on this process, or complaints in general, please contact the following OPM Compliance/Enforcement personnel via e-mail, or at 602-255-3664:

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