

## **OVERVIEW OF THE CITATION AND FINE PROGRAM (DRAFT)**

- 1.) If a complaint has been through the initial review process and it is determined that there are possible violations, the analyst prepares and sends to the Respondent a Preliminary Notice of Findings. The Preliminary Notice of Findings is a written summary of the violation(s) found.
- 2.) The Respondent has the opportunity to respond to the Preliminary Notice of Findings by submitting additional, new information for consideration.
- 3.) The Respondent:
  - a) Submits additional information.
  - b) Does not submit additional information.
- 4.) When the Respondent submits additional information, the case is once again reviewed by the in-house DVM consultant, who makes a determination as to the possible violations.
- 5.) At this point the case:
  - a) Is closed, or
  - b) A Citation is issued.
- 6.) Once a Citation has been issued, the Respondent has 30 days to request a first level appeal.
- 7.) The Respondent:
  - a) Chooses to appeal by written argument or by participation in an informal conference conducted in person or over the phone.
  - b) Chooses not to appeal.
- 8.) Following the informal conference or written appeal, the case is reviewed again by the in-house DVM consultant, the analyst, and the Executive Officer. The Citation and Fine may be:
  - a) Dismissed.
  - b) Affirmed, but modified, and then issued.
  - c) Affirmed and issued as originally written.
- 9.) The Respondent has the right to appeal an affirmed Citation.
- 10.) The Respondent:
  - a) Chooses to appeal. The Citation is then referred to the Office of the Attorney General for an Administrative Hearing. (The Citation is the document used in the Administrative Hearing; an Accusation is not prepared as this is not Formal Discipline).
  - b) Chooses not to appeal.
11. An Administrative Law Judge (ALJ) hears the Citation appeal.

12.) The ALJ:

- a) Dismisses the Citation and Fine.
- b) Affirms, but modifies, the Citation and Fine. The Respondent is responsible for paying the associated fine.
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13.) The Respondent:

- a) Does not pay the fine.
- b) Pays the fine. The Citation is considered final, although payment of the fine does not constitute admission of the violation charged.

14.) If the fine is not paid a 'hold' is placed on the individual's professional license and it cannot be renewed without payment of the fine.