

## OVERVIEW OF THE CITATION AND FINE PROGRAM - DRAFT

- 1) Once 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 alleged violation(s).
- 2) The Respondent has the opportunity to respond to the Preliminary Notice of Findings by submitting additional, new information for consideration.
- 3) If the Respondent:
  - a) Submits additional information, the case is once again reviewed by the in-house DVM consultant or expert who makes a determination as to the alleged violations.
  - b) Does not submit additional information-the cite is issued as outlined in the preliminary letter.
- 4) At this point the case:
  - a) Is closed, or
  - b) A Citation is issued.
- 5) Once a Citation has been issued, the Respondent has 30 days to request a first level appeal for an informal conference. An informal conference handled by submitting written documentation, via the telephone or in person at the Board offices.
- 6) If the Respondent:
  - a) Chooses to appeal via telephone or in person, a date is set for the conference.
  - b) Chooses not to appeal.
    - If Respondent chooses not to appeal, the citation is final and must be paid within 10 days.
- 7) Following the informal conference or written appeal, the case is reviewed again by a consultant or expert and then the Executive Officer, based on input from that review, makes the final determination. The Citation and Fine may be:
  - a) Dismissed.
  - b) Affirmed, but modified, and then issued.
  - c) Affirmed and issued as originally written.
- 8) Once a citation is affirmed, either in the original form or as modified, the Respondent has the right to an administrative appeal.
- 9) If the Respondent:
  - a) Chooses to appeal; the Citation is referred to the Office of the Attorney General for an Administrative Hearing. Similar to an accusation, the citation is the charging document used in the Administrative Hearing.
  - b) Chooses not to appeal, citation is final and must be paid.
- 10) An Administrative Law Judge (ALJ) hears the Citation appeal or there is a settlement reached between all parties.
- 11) For the final decision via ALJ or settlement negotiations, there are the following options:
  - a) Dismiss the Citation and Fine.
  - b) Affirm, but modify, the Citation and Fine.
  - c) Affirms the Citation and Fine as written.
- 12) If the Respondent:
  - a) Pays the fine. The Citation is final without admission of any violations charged.
  - b) Does not pay the fine – a hold is placed on his or her license renewal and the license cannot be renewed without paying the fine.