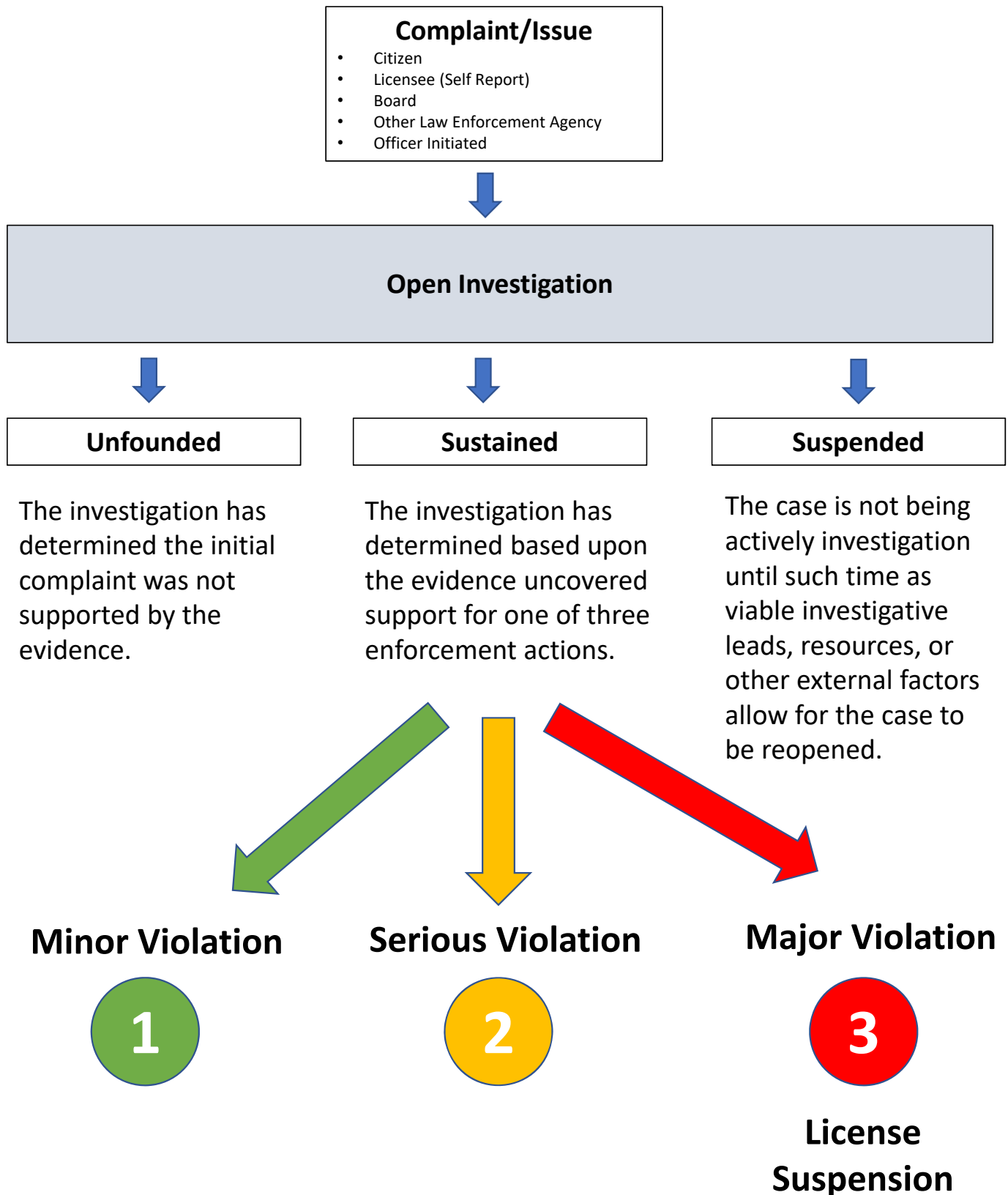


AMCO Investigations and Violation Enforcement Action Process

DRAFT version 09-11-2020



AMCO Investigations and Enforcement Action Process

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Minor Violation

1

Verbal Warning

A verbal acknowledgement of a violation to the licensee and requesting compliance. Used in the most minor and easily rectifiable of circumstances.

- Verbal Warning is documented
- Statistics kept for Enforcement performance measurements
- Not part of the licensee's record
- No board action required

DONE

Written Warning (Advisory)

A minor issue in which the circumstances dictate written documentation notifying the licensee and demanding compliance. A notice of inspection or written advisory is issued in compliance with 3 AAC 805(c). It will cite applicable statute, regulation, or board order and will include the time in which the minor infraction is expected to be rectified. The written advisory and final actions by the licensee to rectify the issue will be documented and will become a part of the permanent historical record of the licensee. An Advisory does not go before the judgment of the board.

- A written warning
- Verification of compliance
- Added to the record of the licensee
- No board action required

Compliance? - YES

DONE

Compliance? - NO

Serious Violation

2

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Serious Violation

2



Notice of Violation (N.O.V.)

A more serious issue in which the circumstances dictate written and formal action consideration by the board against a licensee and the penalty is monetary in nature (NOT an action against the license itself). A Notice of Violation, along with a written complaint supporting the allegations, is served to the licensee and the board under 3 AAC 306.805(d)

The Notice of Violation will include the following:

- A Notice of Violation(s)
- A written compliant narrative to include:
 - A narrative describing the circumstances of the violation(s) and supported by a preponderance of the evidence or a probable cause statement.
 - A description of applicable statutes, regulations, or orders
 - Prior violations or criminal history of the licensee and/or licensed premises
 - Recommendations of fines.
 - Signed by the investigating officer
- Verifiable service of the Notice of Violation upon the licensee
- **Request for an Informal Hearing with the Director of AMCO**



N.O.V. Documentation Served on the Licensee



Informal Conference Requested



No Informal Conference

If permitted under regulation, the licensee voluntarily attends an informal hearing with the Director of AMCO to discuss the accusation at which time a non-binding discussion and negotiation may occur.

- Agreement to accept the N.O.V. and penalty
- No Agreement



Violations Hearing before the Board

Set before the board on a Violations Hearing section of the agenda during a regular board meeting.

The N.O.V. and supporting documentation along with a proposed fine or suspension of fine signed by the AMCO Director for board consideration.



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Serious Violation (with no license suspension)

2

Violations Hearing before the Board

Set before the board in a Violations Hearing section of the agenda during a regular board meeting.



N.O.V with Informal agreement with the Licensee
The board can:

N.O.V in Dispute

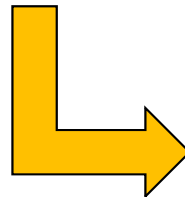


Accept the terms

Accept the terms with changes

Not accept the terms

- AMCO presents their case
- Licensee presents their case
- Board determines:
 - Dismisses All
 - Dismisses Part
 - In favor of AMCO
 - Fine
 - Length of time to pay fine
- Outcome becomes part of the licensee's record



DONE

Licensee agrees



Licensee may still protest board action to OAH

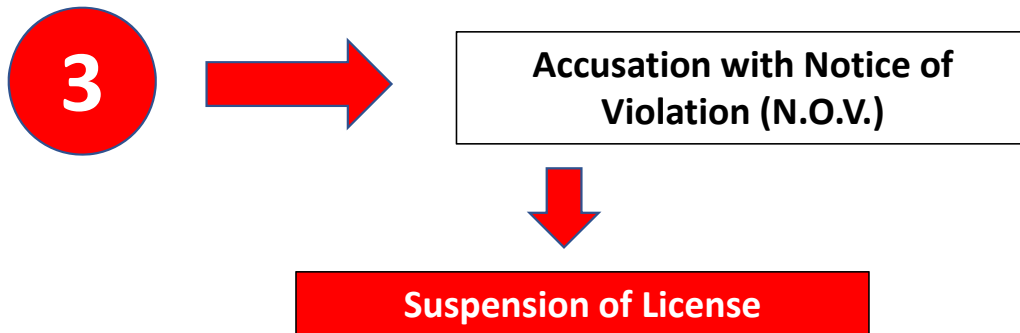
DONE

SOA Office of Administrative Hearings

AMCO Investigations and Enforcement Action Process

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Major Violation, with License Suspension



A public health or other serious/egregious issue in which the circumstances dictate an immediate formal action by the Director against a licensee and their license. An accusation, a Notice of Violation, and a written complaint supporting the allegations, is served to the licensee with action against the licensee and/or their license.

An Accusation will include the following:

- A Notice of Violation(s)
- A written compliant narrative, to include:
 - A narrative describing the circumstances of the violation(s) and supported by a preponderance of the evidence or a probable cause statement.
 - Prior violations or criminal history of the licensee and/or licensed premises
 - Recommendations of fines.
 - Signed by the investigating officer
- A written Accusation signed by the AMCO Director and reviewed by Department of Law
- Notice of Defense
- Verifiable service of the Notice of Violation and Accusation upon the licensee
- To be put before board for review for a determination of the facts and, if supported, possible sanctions against the licensee

Accusation Hearing before the Board

Accusation Hearing set before the board on a Violations Hearing section of the agenda during a regular board meeting. The N.O.V. and supporting documentation along with a written Accusation signed by the AMCO Director as well as the recommended penalties will be presented at that time.

- AMCO Presents their case
- Licensee Presents their case
- Board determines:
 - Dismisses All
 - Dismisses Part
 - In favor of AMCO
 - Fine
 - Suspension of license
 - Revocation of license
 - Length of time to pay fine
- Outcome becomes part of the licensee's record

SOA Office of Administrative Hearing

Licensee may still protest board action to OAH

DONE

