



Dora
Department of Regulatory Agencies

Office of Outfitters Registration

DIRECTOR'S POLICIES

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is our mission***

POLICIES OF THE COLORADO OFFICE OF OUTFITTERS REGISTRATION

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POLICY 1: Delegated authority from the Director of the Division of Registrations to the Program Director of the Office of Outfitters Registration

DATE Adopted: July 1, 1988, Amended January 2, 2009, Amended December 14, 2009

PURPOSE: Outline the authority delegated to the Program Director and Section Director in carrying out the Director's duty.

By this policy, the Director of the Division of Registrations delegates the following statutory powers, duties, and functions to the Section Director and Program Director of the Office of Outfitters Registration:

- Establish fees for registrations and renewal of such registrations
- Evaluate the qualifications of registrants for registration except for those with "yes" responses pursuant to the matrix established by the Director
- Issue and renew registrations that meet statutory requirements
- Initiate investigations with respect to any complaint against any registrant who provides a service which requires registration
- Issue subpoenas compelling the attendance and testimony of witnesses and the production of books, records, papers, and documents for investigation purposes
- Initiate actions to enforce subpoenas in District Court
- Employ administrative law judges on a full-time or part-time basis to conduct any hearings that are necessary
- Initiate the prosecution and enjoinder of all persons violating the organic acts upon the Director's approval
- Coordinate and conduct public rulemaking hearings
- Issue letters of admonitions, and fines to registrants as disciplinary action for practicing with a lapsed registration for less than two years pursuant to Director's policy
- Issue Suspension Orders as required by the Child Support Enforcement Program
- Perform the initial review of complaints submitted to program area
- Initiate complaints against registrants currently under Stipulation or other Final Agency Action if the registrant has failed to comply with any of the terms of the Stipulation or other Final Agency Action
- Initiate complaints on behalf of the Director
- Utilize services of the Office of Investigations as warranted to carry out duties of the Director
- Grant or deny extensions to due dates set forth in rules related to Initial Decisions and respond to other procedural matters that may arise
- Perform additional delegated duties as set forth in other Director policies
- Grant an extension of time to allow a registrant to complete continuing education requirements upon a showing that the registrant has made reasonable efforts to complete the continuing education requirement within the probationary time period if applicable

- With the approval of the Director, issue letters of admonition, fines, orders to cease and desist, and stipulated final agency orders. The Director reserves the responsibility for signature on all final agency orders issued as a result of an initial decision by an administrative law judge.
- Any action taken pursuant to this policy will be presented to the Division Director for review
- Issue cease and desist orders on behalf of Director for unlicensed activity
- Coordinate and lead advisory committee meetings

POLICY 2: Subpoena Enforcement
Date Adopted: December 14, 2009

PURPOSE: To provide written notice regarding the delegated authority provided to the Program Director to directly refer enforcement of a subpoena to the Office of the Attorney General.

It is the policy of the Director for the Office of Outfitters Registration that when, in the course of an investigation of a complaint, a subpoena needs to be enforced pursuant to the Outfitters Practice Act and the Administrative Procedure Act (APA), the Director specifically authorizes the Program Director, or designee, to refer such matter directly to the Office of the Attorney General for enforcement.

POLICY 3: Process for Handling Complaints involving Advisory Committee Members
Date Adopted: December 14, 2009

PURPOSE: To provide written notice regarding the process by which specific types of complaints against advisory committee members, registrants who have served on the Committee within the past five years, or registrants who have an ongoing formal relationship (Consultants or Experts) with the Director/Office will be handled. The purpose of this policy is to assure the integrity of the disciplinary process and prevent any appearance of bias or preferential treatment.

It is the policy of the Director for the Office of Outfitters Registration that any signed complaint received by the Office against a current registrant who is a member of the Committee or one who has served on the Committee within the past five years, or a registrant who has an ongoing formal relationship with the Office will be handled as follows:

- If the complaint alleges a violation of Article 55.5 of Title 12, C.R.S. or the Director's Rules, the complaint will be sent to the Office of Investigations within the Division of Registrations for a formal investigation.
- If the complaint alleges substandard practice, the Office of Investigations will also have the case reviewed by an independent consultant selected by the Office of Investigations.

Upon completion of the investigation, the report will be referred to the Director for appropriate action. If the complaint is against a current committee member, he or she shall recuse from all discussions regarding the complaint and physically leave the meeting room during these discussions.

All other customary procedures for the handling of a complaint by the Director will apply. These include but are not limited to issuance of a 30-day letter, notification to the registrant and complainant of the Director's decisions.

Anonymous complaints filed against a current registrant who is a member of the committee or one who has served on the committee within the past five years, or a registrant who has an ongoing formal relationship (Consultants or Experts) with the Director/Office will be evaluated by the Director "on a case by case basis".

POLICY 4: Disciplinary Action Regarding Expired Registrants
Date Adopted: December 14, 2009
Effective: January 1, 2010
References: Section: 24-34-102, C.R.S.

PURPOSE: To provide written notice regarding disciplinary action when a registrant practices with an expired registration.

It is the policy of the Director to take disciplinary action when the Director finds that a registrant practiced or offered to practice as an Outfitter with an expired registration.

(a) If a registrant fails to renew a registration to practice by the registration expiration date, a penalty fee will be due upon renewal of the registration. From the date of expiration, a registrant will have 60 days within which to renew a registration during which the registration will be deemed active. The registration will be deemed to have expired 61 days after expiration of the registration.

(b) If the Director finds that a registrant practiced or offered to practice with an expired registration for a period of 61 days up to one year, it is the policy of the Director to issue a letter of guidance or a letter of information stating that the Director cautions against such behavior.

(c) If the Director finds that a registrant practiced or offered to practice with an expired registration for a period of one to two years, the registrant must apply for reinstatement of the registration and the Director may issue a letter of admonition, which is a disciplinary action recorded on the registration history.

(d) If the Director finds that a registrant practiced or offered to practice with a lapsed registration for more than two years, the Director may levy a fine in addition to a letter of admonition, or such other disciplinary action as the Director deems appropriate.

(e) If the Director finds that a registrant was previously warned about such behavior, the matter will be reviewed by the Director on a "case by case" basis.

POLICY 5: Felony Convictions by Applicants or Registrants

Date Adopted: July 20, 2010

References: Section: 12-55.5-106 (1)(d), C.R.S.

Pursuant to section 12-55.5-106(1)(d) of the Colorado Revised Statutes, it is a violation of the Office of Outfitters Registration, to have a felony conviction. The Director has the authority to determine the qualifications of applicants and registrants and to grant or deny registrations. When an applicant for registration has a felony conviction, the Director will consider several factors, including but not limited to the severity of the felony, the circumstances surrounding the felony conviction, the number of felony convictions, whether the applicable sentence(s) has/have been discharged, and evidence of rehabilitation. In general, if an applicant or a registrant has one or more felony convictions, the following policies will follow:

- a) **Applicant is still incarcerated in the Department of Corrections.** If the applicant is serving time in prison, the applicant will be denied registration. The Director recommends that the applicant apply after the individual is released from prison.

- b) **Applicant is not incarcerated but has not yet completed his or her sentence.** If the applicant is not in prison, but has not yet completed his or her sentence, the Director will, in appropriate circumstances, grant a conditional registration and require the individual to enter into a stipulation, prior to registration, processed by the Office of Expedited Settlement. The factors considered by the Director, in some circumstances, could result in the denial of a registration for an applicant until the applicant has completed the sentence.

- c) **Applicant has successfully completed his or her sentence.** If the applicant has successfully completed his or her sentence, the following policies will apply:
 - I. The Director will, in appropriate circumstances, grant a conditional registration if the sentence has been completed within 5 years of the time of the application for registration. The conditional registration would last for at least one year and would require compliance with all state laws, federal laws and any other conditions that the Director might deem appropriate. The factors considered by the Director, in some circumstances, could result in the denial of a registration for such an applicant.

POLICY 6: Anonymous Complaints

Date Adopted: July 20, 2010

Anonymous or unsigned complaints are not preferred by the Division Director or the Office of Outfitters Registration. Often, the Office will need information concerning various indicia of proof, such as dates, names, locations and specific actions, in order to properly investigate a complaint. Many cases against registrants will go to a hearing before the Office of Administrative Courts. It is important that we have

the name of the complaining witness in the event that we need that individual to provide an affidavit or testify at the hearings. It is extremely difficult for the Office to prevail in a disciplinary action if we do not have the identity and contact information of the complaining party. Moreover, unsigned or anonymous complaints are more time consuming and more expensive to prosecute.

Therefore, it is the Policy of the Director of the Division of Registrations that, subject to the discretion of the Director, the allegations contained in unsigned or anonymous complaints will be investigated and prosecuted only upon a showing of harm or potential harm.

POLICY 7: Procedural Order Regarding Review of Initial Decisions

Date Adopted: December 14, 2010

Effective: December 14, 2010

References: Section: 24-4-105(14)(a)(II), C.R.S.

PURPOSE: To provide written notice regarding the issuance of a procedural order regarding review of initial decisions.

The Division Director delegates authority to the Program Director, Section Director or their designee to issue on the Director's behalf the adopted "Director's Procedural Order Regarding Review of Initial Decision" with the directive that the Order be issued upon receipt of all initial decisions.