

**PESTICIDE ENFORCEMENT/COMPLIANCE ACTION SUMMARY
(DPR-ENF-046, Rev. 2/13)**

Form Instructions

Part A. ENFORCEMENT/COMPLIANCE ACTION TYPE

(1) Date of Incident. REQUIRED. The date that the incident or violation occurred. If an action is taken because of multiple incidents/violations that occurred over a period of time, specify the earliest incident date.

(2) Date of Action. REQUIRED. The date that the compliance, administrative or judicial action was initiated or taken; or the date that the administrative Notice of Proposed Action (NOPA) was signed, date of submission to a District Attorney/Circuit Prosecutor, date a Violation Notice (VN) was signed, or date an inspection form, also serving as a Violation Notice, was signed.

(3) Date Closed. REQUIRED. Refer to guidelines below:

For administrative civil penalties: **Case closure is not dependent on the fine being paid.** The date that the commissioner signs the Notice of Final Decision to the respondent, date the respondent signed the Stipulation and Waiver, or date that the action is withdrawn by the commissioner. **Note:** Cases which were closed without a hearing (such as a hearing *no show*, failure to respond to a NOPA) also require a written Notice of Final Decision. Use the date the commissioner signed the Decision for the closing date.

Payments sent to either the Commissioner or the Structural Pest Control Board (SPCB) without a signed stipulation and waiver should be acknowledged by **either a Notice of Final Decision or a letter acknowledging receipt of payment for the particular case.** Use the date of the Decision or acknowledgment letter as the closing date.

Another option is available for determining a closing date for structural cases in which the respondent mailed the signed Stipulation and Waiver (along with payment) to the SPCB rather than to the Commissioner. The SPCB periodically sends a memo entitled *Pesticide Fines* to Commissioners indicating the case, licensee, fine amount and closure date for which it received fine payments. The closure date on this memo may be used for *Date Closed* on the Summary form.

- *For County Registration, Private Applicator Certification, or Restricted Materials Permit Suspension/Revocation:* See Suspended/Revoked Date.
- *For Referrals for State Action:* Date the case is referred by the commissioner to the specific state agency.
- *For Judicial Actions:* Date the case is submitted to a District Attorney or Circuit Prosecutor.
- *For Compliance Actions:* Date the compliance action is signed by the commissioner or his/her staff.

(4) Suspended/Revoked Date. Required when applicable. The effective date that a county registration, private applicator certificate or restricted materials permit was suspended or revoked.

(5) Case Sequence Number. Required for all enforcement action types. This is a numeric field only; do not incorporate county names, letters, or special characters in this field. Do not re-assign or re-issue a case number during the same fiscal year.

(6) County Name. REQUIRED. Provide full name of county taking action. Do not abbreviate.

(7) Administrative Action type. REQUIRED. Check only one. The summary form may be used to report either a single enforcement action OR a group of compliance actions. If reporting an enforcement action (administrative and judicial actions, as well as referrals for state action), check only one action per form. If reporting a compliance action, you may combine compliance action types. For example, if a Violation Notice is routinely combined with a Cease and Desist Order for the same incident, both actions may be checked on the same form.

- **Administrative Civil Penalty (Agricultural).** When the action is proposed, check the Notice of Proposed Action box in the *Administrative Action Status* section. When the action is closed, check one of the four boxes indicating final determination in the *Administrative Action Status* box.
- **Administrative Civil Penalty (Structural).** When the action is proposed, check the Notice of Proposed Action box in the *Administrative Action Status* section. When the action is closed, check one of the four boxes indicating final determination in the *Administrative Action Status* box.
- **County Registration Suspended/Revoked.** Check when final; indicate the effective date the registration was suspended or revoked in the *Susp/Revok Date* field.
- **Private Applicator Certificate Suspended/Revoked.** Check when final; indicate the effective date the certificate was suspended or revoked in the *Susp/Revok Date* field.
- **Restricted Materials Permit Suspended/Revoked.** Check when final; indicate the effective date the permit was suspended or revoked in the *Susp/Revok Date* field.
- **Referred for State Action.** Check one of the three boxes available (DPR, SPCB, OTHER).

(8) Judicial Action. Check only one.

- **Notice to Appear (Citation)**
- **Case Submitted to District Attorney/Circuit Prosecutor**

(9) Compliance Actions. Multiple compliance actions may be checked on one form provided they are for the same incident.

- **Cease and Desist Order**
- **Documented Compliance Interview**
- **Warning Letter/Violation Notice (Notice of Violation)**

(10) Administrative Action Status. Required for all administrative actions. **A SEPARATE SUMMARY FORM IS REQUIRED FOR BOTH THE *OPENING* AND *FINAL DETERMINATION* OF A CASE.** When submitting the initial information for a case, check the NOPA box. Once the case is closed, check only one of the four boxes under final determination.

Opening:

- **Notice of Proposed Action (NOPA).** When the action is proposed, check the Notice of Proposed Action box in the *Administrative Action Status* section. Submit a copy of the NOPA with the Enforcement/Compliance Action Summary form to the local DPR Regional Office.

Final Determination: When the action is closed, check one of the four boxes indicating the final determination as provided in the *Administrative Action Status* section.

- **Signed Stipulation and Waiver.** Submit a copy of this document along with the Enforcement/Compliance Action Summary form to the local DPR Regional Office.
- **Withdrawn by Commissioner.** If the Notice of Proposed Action was sent to Respondent and then withdrawn, **do not re-issue or re-assign the case number** within the same fiscal year.
- **Closed After Hearing.** Check if the action is closed and the Final Decision is signed. Submit a copy of the Final Decision along with the Enforcement/Compliance Action Summary form to the local DPR Regional Office.
- **Closed No Hearing.** Check if the action is closed without a Signed Stipulation and Waiver, no show to a hearing, etc. Submit a copy of the signed Final Decision or letter to Respondent acknowledging that the case was closed to the local DPR Regional Office.

(11) Action Reference. REQUIRED if the action is taken as a result of a formal investigation or episode case. Record the case reference number in one of the following fields:

- **DPR Priority Investigation #**
- **Worker Health and Safety (WHS) Case #**
- **District Attorney/Prosecutor Case #.** If this number is not known upon submission, assign your own for tracking purposes. Other numbers assigned to the case may be cross referenced later, using the *follow up* section under Judicial Action and *Other Case #* under this section. This field

can be used to record other tracking numbers related to the incident/case. For example, a Violation Notice number, a complaint or illness case number (assigned by county or other agency), or a DA case number for a civil/criminal complaint. Inspection dates may be listed, if there are no tracking numbers.

- **Other Case # or Inspection Date**
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Part B. ACTION DETAIL

Section(s) Cited:

(1) Section(s) Cited. Required for all compliance and enforcement actions. Cite only statute or regulation sections authorized under the Food and Agricultural Code and/or Business and Professions Code. Record each section/subsection on a separate line. If you cite a section more than once with a different subsection, record each citation on a separate line. Attach additional pages as necessary. Do NOT list sections for which there is no fine levied or suspension imposed.

(2) Cont. box. Check this box if you need to continue listing items in the Section(s) Cited field. Attach additional documentation to continue.

(3) Proposed, Modified, Dismissed. Required for administrative civil penalty actions only.

- **Proposed Fine (\$).** Indicate the proposed fine amount for each section cited.
 - **Proposed Suspension (days).** Indicate the proposed duration of a suspension in days.
 - **Modified Fine (\$).** If the fine was modified after hearing, indicate the modified dollar amount.
 - **Modified Suspension (days).** If the suspension duration was modified after hearing, indicate the modified number of days.
 - **Dismissed.** Check for each dismissed section cited.
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Part C. INDIVIDUAL/BUSINESS INFORMATION

This section may be used to record both the individual and business associated with an incident (e.g., employee and employer); clarify which entity is being cited in the action.

REQUIRED. Cite only one respondent per form

Respondent: If the respondent is an individual, check **IND**. If the respondent is a business or organization, check **BUS**. If multiple individuals, or a business and an individual are being cited as the result of the same incident/violation, use separate forms for each. If an individual is cited, you may record information about the employer, business or organization in the Business/Organization Name field. If a

business or organization is cited because of the violation(s) of an employee, you may also record information about that employee in the Individual section, beginning with the *Last Name* field.

- (1) **Last Name.** Required if the respondent is an individual. Record the last name exactly as it appears on the state issued license or certificate.
- (2) **First Name.** Required if the respondent is an individual. Record the first name exactly as it appears on the state issued license or certificate.
- (3) **Middle Initial (M.I.).** Required if respondent is an individual and the information is available.
- (4) **License Code.** Required if the respondent is an individual. Record one of the individual license/certificate codes listed on the back of the Enforcement/Compliance Action Summary form and fill in the license number in the designated field. See Appendix 1, License/Certificate Codes.

If the respondent has a restricted materials permit use the code **RMP**, leave the *Individual License Number* field blank, and record the respondent's restricted materials permit number in the designated field. *This applies whether the pesticide is restricted or non-restricted.*

If the individual cited has an operator identification number, use the code **OID**, leave *Individual License Number* field blank, and record the operator ID number in the designated field.

For all other cases involving a respondent who holds a private applicator certificate, but not a restricted materials permit, use the **PAC** code. Include respondent's PAC number in the appropriate field.

Use code **NR** if a license or certificate is not required. Use code **UNL** if the individual is required to possess a license or certificate but does not. In either of the above cases leave the *Individual License Number* field blank.

(5) **License Number.** Required if the respondent is an individual. Record the number exactly as it appears on the state issued license or certificate. If the individual cited has a private applicator certificate, DO NOT record it in this field; use the *Private Applicator Certificate Number* field instead. Leave this field blank if UNL or NR was recorded in the License Code field.

(6) **Registration Status.** Required when applicable. Only certain individual license types require county registration. Check the box if the individual was NOT registered, as required by law, at the time of the incident.

(7) **Business/Organization Name.** Required if the respondent cited is a business or organization. If the business/organization is licensed, the name should be recorded exactly as it appears on the state issued license or certificate.

(8) **License Code.** REQUIRED. Record one of the business license codes listed on the back of the Enforcement/Compliance Action Summary form and fill in the license number in the designated field. See Appendix 1, License/Certificate Codes.

If the respondent has a restricted materials permit use the code **RMP**, leave the *Business License Number* field blank, and record the restricted materials permit number of the individual permittee in the appropriate field. *This applies whether pesticide is restricted or non-restricted.*

If the business cited has an operator identification number use the code **OID**, leave the *Business License Number* field blank, and record the operator ID number in the designated field.

Use the code **NR** if a license is not required. Use code **UNL** if the business is required to possess a license but does not.

(9) License Number. Required if the respondent is a business. Record the number exactly as it appears on the state issued license or certificate. Leave this field blank if UNL or NR was recorded in the License Code field.

(10) Registration Status. Required when applicable. Only certain business license types require county registration. Check the box for any business which was not registered, as required by law, at the time of the incident.

(11) Employment/Sector Code of Respondent. REQUIRED. Record the applicable Employment/Sector Code listed on the back of the Enforcement/Compliance Action Summary form. The analysis of compliance trends in different employment sectors can be used to improve the outreach and training efforts of the state/county enforcement program. See Appendix 2, Employment/Sector Codes.

(12) Structural Pest Control Branch (SPCB). Required if the respondent is a SPCB licensee (individual or business). Record the applicable SPCB Branch code listed on the back of the Enforcement/Compliance Action Summary form. Consider the activity that occurred at the time of the non-compliance when choosing the Branch code.

(13) Operator ID / Restricted Materials Permit Number. Required if respondent has either an Operator ID or Permit Number. Check the appropriate box and record the number. *Completion of this section is not related to whether an incident involved a restricted or non-restricted material.*

*Note** For tracking purposes, if a respondent has both an Operator ID and a Permit Number, check the box indicating Restricted Materials Permit #.

(14) Private Applicator Certificate Number. Required if respondent has one. Use this field to record the PAC number of the permittee for the business when the business license code is recorded as RMP. *This applies whether pesticide is restricted or non-restricted.*

Part D. ACTIVITY / INCIDENT INFORMATION

The analysis of the fields below associated with compliance trends can be used to improve the outreach and training efforts of the state/county enforcement program.

(1) Pesticide Product Name(s). The product name(s) as it appears on the label. Required if specific pesticide(s) are involved in an enforcement or compliance action. Record **Unknown** if applicable.

(2) Product Registration Number(s) U.S. EPA or California registration number of the pesticide product(s). Required if specific pesticides are involved in an enforcement or compliance action.

(3) Category. REQUIRED for QAL/QAC and Ag PCB licensees. Record the category from those listed on the back of the Enforcement/Compliance Action Summary form applicable at the time of the incident/violation. Use *No Category* for licensees working outside the scope of their categories. List the category the licensee should have had in the comments field. See Appendix 3, License Category Definitions.

Also REQUIRED for PCAs. Space limitations prevented the listing of PCA categories. Record the category applicable at the time of the incident/violation in the *Category* field. Use *No Category* for PCAs working outside the scope of their categories. List the category the PCA should have had in the comments field.

(4) Setting. REQUIRED. Physical setting in which the incident/violation occurred. Record the applicable setting listed on the back of the Enforcement/Compliance Action Summary form. If an appropriate term is not listed record *Other* in the *Setting* field, and provide the appropriate term in the comments field. See Appendix 4, Setting Definitions.

(5) Activity. REQUIRED. Activity that was performed (or should have been) by the Respondent (or his/her employee) at the time of the incident/violation. Record the applicable Activity listed on the back of the Enforcement/Compliance Action Summary form. If an appropriate term is not listed record *Other* in the *Setting* field, and provide the appropriate term in the comments field. See Appendix 5, Activity Definitions.

(6) Comment on Category/Setting/Activity. Use this field to provide the requested information above. You may also use this field to provide further explanation for various fields, or to provide additional information about the incident/violation(s).

(7) County Contact. REQUIRED. Name of county person who completed the form (please print).

(8) Telephone. REQUIRED. Area code and telephone number of county contact.