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Small Business Bill of Rights

The Arizona Department of Agriculture (ADA), pursuant to A.R.S. § 41-1001.01, provides small businesses with a Bill of Rights relating to their interaction with ADA. For the application of this Bill of Rights, a small business is defined by A.R.S. § 41-1001 as one, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than 100 employees or which has gross annual receipts of less than $4 million in its last fiscal year.
A summary of the rights included in the Bill of Rights is:

1. The right to review all ADA rulemaking activity, the summary of substantive policy statements, and executive orders in the register and to expect ADA to avoid duplication of laws that do not enhance regulatory clarity, unless specifically authorized by statute, and to avoid dual permitting to the extent practicable.
2. The right to review all rules and substantive policy statements of ADA in the Director's office and to allege that an existing ADA practice or substantive policy statement constitutes a rule and have the practice or policy declared void if it constitutes a rule.
3. The right not to have ADA make a rule under a specific grant of authority that exceeds the specific statutory subject matter and to not have ADA make a rule under a general grant of authority to supplement a more specific grant of authority.
4. The right to participate in the rulemaking process of ADA in the form of providing written comments or testimony on proposed rules to ADA, filing an early review petition with the Governor's Regulatory Review Council (GRRC), and providing written comments and testimony to the GRRC.
5. The right to not be charged a fee for a specific activity unless the fee is expressly authorized by law.
6. The right to receive information regarding the license application process at the time, or before, the person obtains an application, and the right to a licensing decision not based in whole or in part on conditions or requirements not specifically authorized by statute, rule, or tribal gaming compact.
7. The right to have a license application approved or denied within a predetermined period of time with written notice from ADA explaining a denial as well as the applicant's right to appeal.
8. The right, at the start of an ADA inspection, to have an ADA inspector present photo identification, disclose any inspection fees, and to have a representative accompany the inspector during the inspection, except during confidential interviews.
9. The right to be informed that the following is available upon request: copies of original documents taken during the ADA inspection, copies of documents relied on to determine compliance, splits of samples, if the split would not prohibit analysis, and copies of analysis performed on samples taken during inspection.
10. The right to have an ADA inspector inform you when you are being tape recorded and to inform you that statements made during the inspection may be included in the inspection report.
11. The right to receive a copy of the inspection report either at the time of the inspection or within 30 working days after, notwithstanding any other state or federal law.
12. The right to receive status updates of ADA action resulting from the inspection at least once every month. If no action is taken, ADA is not required to provide notification.
13. The right to receive public notice and participate in the adoption or amendment of agreements to delegate ADA functions, powers, or duties to political subdivisions.
14. The right, under certain circumstances, to be reimbursed for attorney fees and other costs if you prevail against ADA in a court proceeding or administrative hearing.
15. The right to file a complaint with the Administrative Rules Oversight Committee (AROC) concerning a rule, practice, or substantive policy statement's lack of conformity with statute or legislative intent or its duplicative or onerous nature.
16. The right to file a complaint with the Office of the Ombudsman-Citizens' Aide to investigate administrative acts of ADA if the regulated person has made a reasonable effort with ADA to resolve the problem and has not been successful.
17. The right to have an administrative hearing before an independent administrative law judge regarding contested cases and appealable agency actions and subject to uniform administrative appeal procedures.

This summary of rights is intended to make small businesses aware of the rights that may be available to them when dealing with ADA. This summary of rights does not grant any additional rights that are not prescribed in statute. A more detailed explanation of the rights you are entitled to when interacting with ADA can be found in the following statutes: 41-1001.01, 41-1006, 41-1007, 41-1009, and 41-1373.

You may file a complaint with ADA employees who are specifically designated for this purpose pursuant to A.R.S. § 41-1006. These employees will guide you through the process of filing a complaint with ADA. In the event you believe that any of your rights have been violated by ADA, please contact one of the following individuals by phone or email:

Name	Title	Division	Phone	Email
Samantha Kelly	Receptionist	Department of Agriculture	(602) 542-4373	skelly@azda.gov
Brett Cameron	Assistant Director	Agricultural Consultation & Training	(602) 542-0137	bcameron@azda.gov
Leatta McLaughlin	Associate Director	Animal Services Division	(602) 542-7186	lmclaughlin@azda.gov
Ed Foster	Assistant Director	Citrus, Fruit & Vegetable Standardization	(602) 542-0947	efoster@azda.gov
Jack Peterson	Interim Director	Office of the Director and Environmental Services Division	(602) 542-3575	jpeterson@azda.gov
Anita Landy	Executive Assistant	Office of the Director	(602) 542-0990	alandy@azda.gov
John Caravetta	Associate Director	Plant Services Division	(602) 542-0994	jcaravetta@azda.gov
Doug Marsh	Assistant Director	State Agricultural Laboratory	(602) 744-4924	dmarsh@azda.gov
Lisa James	Executive Secretary	Agricultural Employment Relations Board	(602) 542-3262	ljames@azda.gov
Lisa James	Council Board and Commission Administrator	Arizona Citrus Research Council	(602) 542-3262	ljames@azda.gov
Lisa James	Council Board and Commission Administrator	Arizona Grain Research and Promotion Council	(602) 542-3262	ljames@azda.gov
Lisa James	Council Board and Commission Administrator	Arizona Iceberg Lettuce Research and Promotion Council	(602) 542-3262	ljames@azda.gov
Teressa Lopez	Administrator	Arizona Leafy Greens Food Safety Committee	(602) 542-0945	tlopez@azda.gov