

# **REGISTRAR OF CONTRACTORS**

## **Complaints Against Contractors**

### **Arising on Tribal Lands**

#### **Purpose**

This policy establishes the basic principles governing the Registrar of Contractors' (ROC) relationship with the 21 Tribal governments in the State of Arizona.

#### **Introduction**

The ROC licenses and regulates the conduct of construction contractors in an effort to promote quality construction throughout the state. Both licensed and unlicensed contractors engage in construction projects in Indian Country. It is not uncommon that the conduct of the contractor may give rise to a claim that the contractor has violated the contracting laws of the state, which the ROC is charged to enforce. The ROC does not have jurisdiction over unlicensed contracting activities on Tribal lands as the ROC cannot enforce state criminal jurisdiction on Tribal lands. The ROC has jurisdiction over contractors licensed by the agency to entertain complaints alleging violations of the state's contracting laws when the construction project is located on Tribal lands. However, the ROC recognizes and respects the various Tribes' sovereignty over their lands.

#### **Handling of Complaints**

##### **Criminal Complaints of Unlicensed Contracting**

Upon receipt of a complaint alleging unlicensed contracting activity occurring on Tribal lands, the complainant will be advised that the ROC cannot exercise criminal jurisdiction on Tribal lands and the complainant will be referred to the appropriate tribal authorities.

##### **Complaints Against Licensed Contractors**

1. Upon receipt of a complaint against a licensed contractor regarding a construction project occurring on Tribal lands, the receiving office will refer the complaint to the Assistant Director over Inspections.
2. The Assistant Director will review the complaint to determine if the complaint arises from a workmanship issue occurring on Tribal lands.
3. The Assistant Director will also determine whether the complaint requires an intrusion on Tribal lands to investigate.

If a complaint requires an intrusion upon Tribal lands in order for the agency to properly investigate, the agency, through its Director, Deputy Director or an Assistant Director, will contact Tribal authorities to secure their permission to make such an intrusion. If permission is secured, the complaint will be processed as would any other complaint. If the Tribe determines not to grant such permission, the complainant will be so advised and the complaint will be closed. The grant or denial of permission shall be memorialized in a confirming letter to the Tribal authorities a copy of which will be maintained in the complaint file. Complaints which fall into this category include but are not limited to matters involving workmanship, abandonment, failure to follow plans, specifications and codes, exceeding license scope and no pay issues between contractors for work performed on the job site.

Complaints which would not require an intrusion upon Tribal lands will be processed in normal course. These would include, but not be limited to, failure to pay state income taxes, failure to comply with workers' compensation statutes, conviction of a felony and no pay between contractors and material suppliers arising from contracts entered off of and not involving Tribal lands.

Approved

Fidelis V. Garcia  
Acting Director