

# **REGISTRAR OF CONTRACTORS**

## **Complaints against Licensed Contractors and Unlicensed Entities Arising on Tribal Lands**

### **1. Purpose**

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

### **2. Introduction**

The ROC licenses and regulates the conduct of construction contractors in an effort to promote quality construction throughout the State. Both licensed contractors and unlicensed entities engage in construction projects in Indian Country. The ROC does not have jurisdiction over unlicensed entity 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 the various tribes' sovereignty over the lands.

### **3. Handling of Complaints**

#### **a. Complaints Received against Unlicensed Entities**

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

#### **b. Complaints against Licensed Contractors**

- i. Upon receipt of a complaint against a licensed contractor regarding a construction project occurring on Tribal lands, the assigned investigator will refer the complaint to the Assistant Director or Supervisor Investigator over the Compliance Department.
- ii. The Assistant Director or Supervisor Investigator will review the complaint to determine whether it is a complaint arises from workmanship occurring on Tribal lands.
- iii. The Assistant Director or Supervisor Investigator will also determine whether the complaint requires an intrusion upon those 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 or designee will contact Tribal authorities to secure their permission to make such an intrusion.

1. If permission is secured, the complaint will be processed as would any other complaint.
2. If the Tribe determines not to grant such permission, the complainant will be so advised and the complaint will be closed.

The granting 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 falling into this category include, but are not limited to, matters involving workmanship, abandonment, failure to follow plans, specifications and codes, contracting beyond one's license scope and instances of a contractor's failure to pay another contractor 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 are not be limited to, failure to pay state income taxes, failure to comply with workers' compensation statutes, conviction of a felony, and failure to pay in violation of A.R.S. § 32-1154(A)(10).

#### **4. Agency Contact**

Questions related to this policy should be directed to the Agency's Tribal Liaison, Director or the Director's designee at (877) 692-9762.

Approved:

Dec. 12, 2016

Jeff Fleetham, Director

Arizona Registrar of Contractors