



State of California
Business, Transportation and Housing Agency
DEPARTMENT OF CORPORATIONS
Supporting a Fair and Secure Financial Services Marketplace for all Californians

www.corp.ca.gov

Edmund G. Brown Jr.
Governor

Jan Lynn Owen
California Corporations Commissioner

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RELEASE No. 16-G (Revised)

REGULATORY OMBUDSPERSON

This Release supersedes previous versions of Release 16-G, and provides an update of the Regulatory Ombudsperson of the Department of Corporations ("Department").

The Department's General Counsel serves as the Regulatory Ombudsperson, to help resolve complaints concerning the manner in which administrative regulations are applied to applications filed with the Department. The General Counsel may utilize attorneys from the Department to assist in performing the duties of Regulatory Ombudsperson.

If an applicant for a license, permit or registration disagrees with the manner in which an administrative regulation is being applied to the application the applicant may initiate the Regulatory Ombudsman process.

An applicant may not utilize the Regulatory Ombudsperson process for Department personnel decisions including which Department staff to assign to the application.

The applicant must first attempt to resolve the matter with the reviewing staff and if unsuccessful in that attempt, raise the issue with the reviewing staff member's supervisor. If the applicant is unable to resolve the matter with the supervisor the applicant must then convey the complaint to the final level of program review, the Deputy Commissioner of the division responsible for approving the application.

If an applicant is still not satisfied with the resolution provided by all the appropriate levels of program review, the applicant may submit the matter in writing to the Regulatory Ombudsperson. The submission should be emailed to john.hanna@corp.ca.gov and should be sent no more than 30 days after the Deputy Commissioner has informed the applicant of the Department's position after his or her review. A written request may also be made by sending the written complaint to:

Department of Corporations
Office of the General Counsel
Attention: Regulatory Ombudsman
1515 K Street, Suite 200
Sacramento, CA 95814

The written submission should include a full description of the issues in dispute; supporting information provided to the Department staff; any new information not previously provided to the Department and the reasons for not having presented it; the applicants view on how the administrative regulation should be applied to the pending application and the reasons why the regulation should be applied in the manner the applicant suggests; a summary of efforts to resolve the dispute; and a statement that the applicant's board of directors or principal(s) have authorized bringing the matter before the Regulatory Ombudsman.

The Regulatory Ombudsman may decline to consider the complaint, may consider only the written submission and any response from the Department Division that handled the matter, or may request the applicant's counsel or representative along with a Department representative appear personally or telephonically to discuss the matter. The Regulatory Ombudsman will issue a written decision within 60 business days from the date of receipt of the written complaint or personal or telephonic appearance by the applicant's counsel or representative, whichever occurs later. The Regulatory Ombudsman can extend both the time to receive the original request from the applicant as well as the time to render a written decision with notification to the applicant by email.

The decision of the Regulatory Ombudsman is final. No further efforts to register a complaint will be accepted.

The Regulatory Ombudsman process does not relieve an applicant from complying with Department decisions and actions during the complaint process. The filing of a complaint will not prevent the Department from pursuing an enforcement action or referring a matter to another agency.

The Regulatory Ombudsman policy is not intended nor should it be construed to (a) create or confer upon any person or entity any substantive or procedural rights or defenses that are enforceable in any matter, (b) restrict or limit in any way the Department's discretion in any of its actions or (c) constitute an interpretation of law.

Jan Lynn Owen
California Corporations Commissioner

By _____
John R. Hanna

General Counsel