

# AUDITOR GENERAL REPLY TO AGENCY RESPONSE

---

The following auditor comments are provided to address certain statements the Board of Chiropractic Examiners made related to Finding 1:

1. The Board refers to a Court of Appeals (Division 2) case, but according to the Court, this case does not create legal precedent. The Board's response indicates that the case demonstrates that the intent of the law regarding the scope of a subpoena is not to narrow the reasonable scope of an investigation. However, our report does not recommend narrowing the reasonable scope of an investigation, but rather that the Board limit where possible the amount and type of records requested in its subpoenas. (See page 3 of the Board's response.)
2. The Board's response refers to a statement made by an Assistant Attorney General for the Office of the Auditor General. However, as allowed by A.R.S. §41-192(E)(5), our Office has its own General Counsel, and does not make use of an Assistant Attorney General. (See page 3 of the Board's response.)
3. The Board's response suggests that staff are allowed to dispose of complaints based on the results of investigations. However, only the Board has authority to conclude on the results of investigations and resolve complaints. Therefore, regardless of whether staff investigations identify no or minor violations, according to A.R.S. §32-924(E) and (F), the Board is responsible for determining what actions to take such as dismissing a complaint, or issuing nondisciplinary or disciplinary action. (See page 4 of the Board's response.)