

265 CMR 8.00: COMPLAINT PROCESS

Section

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8.01: Initiation

Any person, organization, agent or employee of the Division, or member of the Board may file a complaint or provide information to the Board which alleges misconduct by a registrant. The Board's complaint form shall request the name, address, and telephone number of the party filing the complaint and a detailed description of the alleged act(s) which prompted the complaint and must be signed by the complainant or an authorized representative. The Board, at its discretion may investigate anonymous complaints.

8.02: Inquiry and Investigation

After receipt and review of a written complaint, the Board shall conduct or cause to be conducted any reasonable inquiry or investigation it deems necessary to determine the truth and validity of the allegations set forth in such complaint. If the Board or an authorized agent of the Board determines that the complaint is lacking in merit, it may close the complaint.

8.03: Request for Response and Response

If the Board or its duly authorized agent determines that a complaint has merit, the Board or its duly authorized agent may request that the registrant who is the subject of the complaint provide a response to the complaint. A registrant may respond to a request for response either personally or through an attorney. A response must address the substantive allegations set forth in the complaint or request for response and be provided in writing and in a timely manner in accordance with such request.

8.04: Informal Conference

To facilitate disposition, the Board or its duly authorized agent may request any person to attend an investigative conference to discuss the complaint and response at any time prior to the commencement of a formal hearing conducted pursuant to M.G.L. c. 30A.

8.05: Disposition of Complaints

At any point during the course of an investigation or inquiry into a complaint, the Board or its duly authorized agent may determine that there is not and will not be sufficient evidence to warrant further proceedings or that the complaint fails to allege misconduct for which a licensee may be sanctioned by the Board. In such event, the Board may dismiss or close its investigation of the complaint, and otherwise communicate with the registrant and/or the complainant as deemed appropriate by the Board.

8.06: Board Action Required

If a registrant fails to respond as requested by the Board or its duly authorized agent, or, after receipt of a response or at any point in the course of investigation or inquiry into a complaint, the Board or its duly authorized agent determines that there is reason to believe that the alleged acts occurred and constitute a violation for which a registrant may be sanctioned by the Board, the duly authorized agent or the Board may issue an order to show cause or offer to resolve the complaint by consent agreement or otherwise informally resolve the matter.

REGULATORY AUTHORITY

265 CMR 8.00: M.G.L. c. 13, § 94.