

# What Licensed Professionals Need to Know When a Complaint is Filed with Licensing Boards



**Stuart Miller**

smiller@mwlaw.com

(479) 464.5670 / (501) 688.8896

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*In addition, this article was co-authored by former Attorney Lindsey Vechik.*

Most licensed professionals never experience a filed complaint against their credentials. But, when a professional receives notification from their licensing board that a complaint has been filed, questions arise. Here, we answer questions about the licensing proceedings before administrative boards.

## **I received a letter from my licensing board that a complaint has been filed against my license, what should I do next?**

Most licensing boards in the State of Arkansas will give their licensees a chance to respond, normally in writing, to the complaint against them. Though this response should be as thorough as possible, the licensee must keep in mind that anything in it can be used against him in later proceedings. This is important because a licensee, by his response, may involuntarily waive future arguments. For instance, a response that fails to allege inadequacies in the procedures the board took in handling the complaint, may waive the ability to later make this argument.

You are absolutely allowed to be represented by Counsel at every step of this process. A licensee should contact their professional liability insurance carrier to determine whether there may be potential coverage for legal expenses under that policy. However, irrespective of whether or not coverage exists, serious consideration should be given to discussing a license complaint with an attorney.

## **What happens after I submit my response to a licensing board?**

Every licensing board in the State of Arkansas is different and follows a separate set of rules. But, generally, each conducts an investigation after the filing of a complaint. Sometimes a board's Executive Director, a subcommittee of the full board, or an investigator will look at the allegations, and your response—if timely submitted—and decide next steps. In many cases, the licensing board will ask for the licensee to sit for an oral interview by a board investigator.

## **Should I submit to an oral interview by a board investigator?**

Generally, yes. The interview will give you an opportunity to give your defense to the allegations in the complaint pending against your license. Importantly, however, the investigator is *hired and paid by the licensing board*. Accordingly, the investigator does not represent you and is not impartial. Further, if the

allegations in the complaint involve possible criminal violations, again, beware that your testimony could be used against you in future proceedings.

For more information contact [Lindsey Vechik](#) or [Stuart Miller](#).