



**Vermont Secretary of State
Office of Professional Regulation
Enforcement Division**

What happens after a disciplinary complaint is filed?

Anyone can file a complaint with the Office of Professional Regulation (OPR) against a licensee alleging unprofessional conduct or alleging unauthorized practice of a profession by an individual or entity that is not licensed. Unprofessional Conduct is defined in Vermont law, primarily [3 V.S.A § 129a](#) and profession-specific statutes located in [Title 26](#) of Vermont Statutes Annotated, as well as the Administrative Rules for each profession.

Unprofessional conduct statutes can be found at <https://legislature.vermont.gov/statutes/section/03/005/00129a>.

Profession-specific statutes can be found at <https://legislature.vermont.gov/statutes/title/26>.

Administrative Rules for each profession can be found on the [Office of Professional Regulation's website](#) located at <https://sos.vermont.gov/opr/professions/>

OPR regulates over 50 different professional licenses and new professions are added on a continual basis. OPR's Enforcement Division processes, investigates, and prosecutes disciplinary cases against licensees. In this process, the person who filed the complaint is the "Complainant," and the licensee who is being complained about is called the "Respondent." OPR receives hundreds of complaints every year. Not all complaints are screened in for investigation and not all complaints that are investigated result in discipline. The following information is a broad overview of the steps in the complaint/disciplinary process:

1. After the complaint is filed online, it is screened to determine whether the professional activity in question is within OPR's jurisdiction and whether the conduct described, if proven, would be actionable as unprofessional conduct that warrants public discipline. Regardless of the screening decision, the Office notifies the Complainant that the complaint has been received. If a complaint is screened out and no action will be taken, the Complainant is notified by letter.
2. When a complaint meets the criteria above, it is assigned for investigation. The office employs both civil and sworn law enforcement investigators. Urgent matters threatening public health, safety, or welfare are flagged for priority investigation.
3. The Investigator reviews the complaint, gathers and reviews documents, material, and/or records, and interviews witnesses. The Investigator may conduct joint investigations with other agencies when appropriate, i.e., Office of the Attorney General, Adult Protective Services, Drug Enforcement Administration, and local and federal Law Enforcement Agencies.
4. The Investigator notifies the Respondent of the complaint. This may be done by telephone, email, letter, or in person. When appropriate, the Investigator may request that the Respondent provide a written response. Respondents have the right to consult with an attorney, of their choice and at their own expense, during this process.

5. At the completion of an investigation, the investigator writes an investigative report and an Investigative Team, or "I-Team," is assigned to review this report and any material the investigator has attached to it. The I-Team is made up of the investigator, a case manager, a board member or advisor with expertise in the profession, and a prosecuting attorney who represents the State.
6. The I-Team reviews the investigation report and the state prosecuting attorney, in consultation with the investigative team, determines whether the investigation has uncovered evidence of unprofessional conduct that warrants public discipline. The complaint is either closed or charged for unprofessional conduct.
7. When a case is closed without charges, the investigative details and identity of the Respondent remain confidential as required by [State Statute](#). A summary closing report is mailed to the Complainant and Respondent notifying them of the outcome.

Confidentiality statutes can be found at <https://legislature.vermont.gov/statutes/section/03/005/00131>

8. To charge the Respondent with unprofessional conduct, the prosecuting attorney files a Specification of Charges, which sets forth the facts and violations alleged by the State. The Docket Clerk, who processes all litigation filings, notifies the Respondent and Complainant by mail of the charges and provides a form to the Respondent to file a written Answer to the Charges within 20 days. Once the Respondent files an Answer, a final hearing date is scheduled. Before the hearing, the State discloses its investigation report to the Respondent, and the State and Respondent exchange exhibits that both sides plan to use at the hearing. Charges may be resolved by an agreement, called a stipulation, or may proceed to a final hearing before the relevant board or before an Administrative Law Officer for advisor professions. At the hearing, both the State and the Respondent have the opportunity to present relevant witnesses and evidence to the Board or the Administrative Law Officer. For more information on the litigation process, please see the [Administrative Rules of Practice](#).

Administrative Rules of Practice can be found at <https://sos.vermont.gov/media/osal1nmg/administrative-rules-of-practice.pdf>

9. When there is an immediate need to protect the public, the State may request a summary suspension of the license to remove the licensee from practice temporarily. When this occurs, a hearing is scheduled in a timely manner before the relevant board or before an Administrative Law Officer for advisor professions. If the request for a summary suspension is granted, the State must file a Specification of Charges as soon as possible.
10. If a complaint is charged and a finding of unprofessional conduct is made, one or more sanctions may be imposed. Available sanctions are a warning, reprimand, fine, suspension for a period of time, or permanent revocation of a license. In addition, conditions may be attached to a license for a period of time. These conditions include practice supervision, limited practice settings or hours, remedial coursework, independent evaluation for fitness to practice, and drug and alcohol testing and treatment and counseling. The Office does not have authority to order restitution to an aggrieved Complainant. Complainants seeking restitution should consult an attorney or the [Consumer Protection Division of the Office of the Attorney General](#).

Consumer Protection Division of the Office of the Attorney General can be found at <https://ago.vermont.gov/cap/get-help-consumer-complaint>

11. If criminal behavior is identified during an investigation, the investigator may refer criminal charges to the appropriate local, state, or federal law enforcement agency. Criminal proceedings are separate from the above-mentioned regulatory proceedings.