

# Unlicensed Practice Complaint Process

## Department of Labor & Industry - Business Standards Division

### PO Box 200513, Helena, MT 59620-0513

#### When a complaint or other information is received alleging possible unlicensed practice...

- (If the allegation is not made in the form of a formal written complaint, a complaint form is completed by the Department and a complaint number is assigned.)
- A copy of the complaint and a request for a written response are mailed to the person against whom the complaint was filed (**Respondent**).
- A written acknowledgment that the complaint has been received is mailed to the person who filed the complaint (**Complainant**).
- The respondent may submit a letter of response to the complaint. If a written response is not submitted, the complaint process continues without a response.
- The complainant and the respondent are sent written notification of the date, time, and location of any meeting at which the complaint will be discussed.

#### The Board Meeting

- Unlicensed Practice complaints are addressed by the Full Board in executive session (meaning closed to the public). Board meetings are open to the public unless the chairperson determines an individual's right to privacy outweighs the public's right to know. If so, that portion of the meeting will be closed to the public (only the respondent, complainant, and legal counsel for each (if any) may be present).
- The complaint and response (if any) are provided to the board members prior to an upcoming board meeting for their review. The board meeting is *not* a hearing, but rather a meeting at which the information provided is considered and discussed by the board.
- The board has the following options regarding complaints of unlicensed practice:
  - Dismiss the complaint
  - Request the matter be investigated
  - Request Board Counsel issue a *Cease and Desist* or an *Injunction*
  - Refer the unlicensed practice case to the appropriate County Attorney for criminal prosecution

#### DISMISSAL

If the board dismisses a complaint, the complaint can be dismissed **with** or **without prejudice**.

*Dismissal With Prejudice* - The complaint is dismissed and cannot be considered in the future.

*Dismissal Without Prejudice* - The complaint is dismissed but may be considered by the board in the future if there are ever allegations of a similar nature.

#### INVESTIGATION

The board can request an investigator be assigned to gather additional information surrounding the allegations made in the complaint. This may involve interviews with the respondent, the complainant, and possible witnesses.

After the investigation has been completed, an investigative report is prepared and presented to the board for consideration at a subsequent meeting.

Following the board's review of the investigative report, a determination is made to either dismiss the complaint or take action in the form of a *Cease and Desist* or an *Injunction*.

#### CEASE & DESIST / INJUNCTION

The board may issue a **Cease & Desist** or seek an **Injunction**.

*Cease & Desist* - A letter from the administrative agency prohibiting a person or business from doing or continuing to do a certain activity.

*Injunction* - A writ granted by a court prohibiting a person or business from doing or continuing to do a certain activity.

**For more information, contact DLI Business Standards Division at 406-841-2300**