

# Complaint and Hearing Procedure Information

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According to K.S.A. 74-7001(a) “...it shall be unlawful for any person to practice or to offer to practice in the state of Kansas, any profession included within the term technical professions, as such term is defined in the provisions of this act, unless such person has been duly licensed to practice such profession under this act or holds a certificate of authorization issued under K.S.A. 74-7036.”

**When the Board office receives a complaint or an Alleged Violation form, the information is presented to the Complaint Committee of the Board for a decision on how to proceed.**

The Complaint Committee has several options for proceeding.

- Anonymous complaints are not accepted.
- The Committee may determine there is no basis to proceed and the complaint is not warranted.
- The Committee may request additional information from person submitting complaint.
- The Committee may appoint a Board investigator to conduct further investigation to develop facts or evidence.

Once the Complaint Committee has all of the information it considers necessary, the following options are available:

- Dismiss complaint as unfounded.
- Offer the Respondent/Defendant a Settlement Agreement and Consent Order.
- File a formal complaint and set the matter for a formal Hearing before a Board Hearing Panel composed of the members of the Board that are not members of the Complaint Committee.

A Hearing Panel procedure is similar to a trial with a court or jury.

- The Board is represented by the Board’s attorney.
- The Respondent has a right to be represented by an attorney at his or her expense or can also represent him/herself.
- The proceedings are transcribed by a Court Reporter.
- The Board Attorney presents the Board’s evidence and allegations through the use of witnesses.
- The Respondent or an attorney for the Respondent presents the Respondent’s evidence.
- After evidence is presented, oral arguments are made by both sides.
- Throughout the Hearing, the Board Hearing Panel is advised on legal issues or objections by an Assistant Attorney General.

**At the completion of the Hearing, the panel determines if there has been a violation of the State of Kansas Statutes or the Board’s Rules and Regulations governing the practice of the technical professions and if so what penalty to impose.**

As per K.S.A. 74-7026(a), “The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of any person...”

And as per K.S.A. 74-7039(a), “The board, in addition to any other penalty prescribed under K.S.A. 74-7001 et seq., and amendments thereto, may assess civil fines after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation....” (b) The board may also assess costs...”

Once the decision is made, both the Full Board and the Respondent are advised of the decision and either side has the right to appeal the decision to the District Court. After the District Court hears the matter, either side has the right to appeal the decision to the Kansas Court of Appeals.

Please contact the Board office at 785-296-3053 with any questions.