



# *Certification*

*A Standard of Knowledge & Experience*

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may not be anonymous. A complaint must contain a detailed description of the conduct alleged to be unethical, together with the specific Ethical Standard(s) which are alleged to have been violated. A complaint must be submitted within three (3) months of the complainant becoming aware of the alleged unethical conduct and in no event later than twelve (12) months following the conclusion of the alleged unethical conduct. A complaint may only be submitted once and may not be re-filed.

### 3. SUMMARY DISPOSITION

- (a) **Preliminary Screening of Complaints Alleging Violations of the Ethical Standards.** The Chair of the Ethics Committee shall review each complaint alleging a violation of the Ethical Standards which is appropriately filed.
- (b) **Summary Dismissal.** If in the sole discretion of the Chair there is (1) insufficient information upon which to base a charge of a violation of the Ethical Standards, or (2) the allegations against the respondent CMD or applicant are patently frivolous or inconsequential, or (3) the allegations if true would not constitute a violation of the Ethical Standards, the Chair may summarily dismiss the complaint. Staff and/or legal counsel of the MDCB may assist the Chair. The Chair shall advise the complainant in writing that the complaint has been dismissed and shall report each such summary dismissal to the Ethics Committee, without identifying the respondent.
- (c) **Summary Suspension.** If an alleged violation of the Ethical Standards is supported by clear and convincing evidence which on its face suggests that a violation has occurred and involves the violation by a CMD of standard 1, 2, 5, 6, 7, 10, 11 and/or 12 of the Ethical Standards, the Ethics Committee may give immediate written notice to the CMD of the alleged violation and further notice that, in the absence of a request by the CMD for an expedited hearing, which request must be received within five (5) working days of the date of the notice, the Committee shall, effective on the sixth working day following the date of notice to the CMD, summarily suspend the certification of the CMD pending a final determination under these Ethics Complaint Procedures with respect to the alleged violation of the Ethical Standards. Within five (5) working days after the Ethics Committee summarily suspends the certification of a CMD in accordance with this provision, the Ethics Committee shall, by certified mail, return receipt requested, give to the CMD written notice that describes (1) the summary suspension, (2) the reason or reasons for such suspension, and (3) the right of the CMD to request a hearing with respect to the summary suspension by written notice to the Ethics Committee, which written notice must be received by the Ethics Committee not later than fifteen (15) days after the date the CMD received notice of the summary suspension. If the CMD timely requests a hearing either before or following a summary suspension, the hearing shall be held before the Ethics Committee or a panel comprised of no fewer than three (3) members of the Ethics Committee as promptly as practicable, but in any event (a) within ten (10)

days of the Ethics Committee's receipt of a request for same prior to a summary suspension, or (b) within thirty (30) days after the Ethics Committee's receipt of a request for same following summary suspension. The applicable provisions of Paragraph 5 of these Ethics Complaint Procedures shall govern all hearings with respect to the summary suspensions, except that a determination of the Ethics Committee, in the absence of a timely request for a hearing by the affected CMD, and a determination by the Ethics Committee or the panel, as the case may be, following a timely requested hearing, shall not be appealable.

### **3. INVESTIGATION**

If the Chair of the Ethics Committee determines, based on an initial review of the complaint, that there is evidence of a violation of the Ethical Standards but that summary suspension of the CMD credential is not warranted, the Chair shall inform the respondent in writing, by certified mail addressed to the last known address of the respondent, that a complaint of ethical misconduct has been filed and that the Committee has determined to initiate a formal investigation of the matter. The Chair shall provide a copy of the complaint and all accompanying supporting documentation and evidence to the respondent. The identity of the complainant shall be revealed. The respondent shall have thirty (30) days from the date of receipt of the notification letter to prepare and submit a response in writing, along with whatever affidavits and documentary evidence the respondent feels support the response. The Committee shall have the right to seek additional information regarding the matter from the complainant, the respondent and/or relevant third parties. In conducting its investigation and evaluating all evidence, the Ethics Committee shall presume at the outset of its investigation that the respondent acted ethically and shall determine that an act of ethical misconduct has occurred only if it finds clear and convincing evidence of such misconduct.

### **4. COMMITTEE DETERMINATION**

The Ethics Committee shall evaluate all documentation pertaining to the matter and, within ninety (90) days of receiving all relevant evidence, determine whether the complaint is substantiated by clear and convincing evidence. If it is not, the complaint shall be dismissed, and both the complainant and the respondent shall be so notified by the Committee Chair in writing. If the Ethics Committee finds clear and convincing evidence of a violation of the Ethical Standards and proposes to impose a sanction, it shall give the respondent an opportunity to appear before the Committee at a hearing.

### **5. HEARINGS**

Whenever the Ethics Committee proposes to take action in respect to the denial of an application for examination (for reasons other than failure to meet the criteria for eligibility as established by the MDCB, in which case, there is no right to a hearing) or of an application for renewal or reinstatement of a certificate, or in connection with the revocation or suspension of a certificate, a public or private reprimand of a CMD, the placing of a CMD on probation, or the imposition of any other sanction



































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*At-large Representative*

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*At-large Representative*

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# *Certification Making a Difference*



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