

10A NCAC 15 .1412 DENIAL: REVOCATION: TERMINATION OF REGISTRATION

(a) The agency may deny, suspend or revoke a certificate of registration applied for or issued pursuant to this Section:

- (1) for any material false statement in the application for registration or in any statement of fact required by provisions of this Section;
- (2) because of conditions revealed by the application or any report, record, inspection or other means which would warrant the agency to refuse to grant a certificate of registration on an original application;
- (3) for operation of the tanning facility in a manner that causes or threatens to cause hazard to the public health or safety;
- (4) for failure to allow authorized representatives of the agency to enter the tanning facility at reasonable times for the purpose of determining compliance with the provisions of this Section, conditions of the certificate of registration or an order of the agency;
- (5) for violation of or failure to observe any of the terms and conditions of the certificate of registration, the rules in this Section, or an order of the agency; or
- (6) for failure to pay a fee within 15 days of becoming delinquent as described in Paragraph (h) of Rule .1423 or for failure to correct payment of a fee in the form of a check or other instrument which is uncollectible from the paying institution within the timeframe specified in accordance with the provisions of the rules of this Section.

(b) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, prior to the institution of proceedings for suspension or revocation of a certificate of registration, the agency shall:

- (1) call to the attention of the registrant, in writing, the facts or conduct which may warrant such actions, and
- (2) provide reasonable opportunity for the registrant to demonstrate or achieve compliance with all lawful requirements.

(c) Any person aggrieved by a decision by the agency to deny a certificate of registration or to suspend or revoke a certificate of registration after issuance may request a hearing under provisions of G.S. 150B, Article 3.

(d) The agency may terminate a certificate of registration upon receipt of a written request for termination from the registrant.

*History Note: Authority G.S. 104E-7(a)(7); 104E-11(a);
Eff. June 1, 1989;
Amended Eff. August 1, 2002; June 1, 1993;
Transferred and Recodified from 15A NCAC 11 .1412 Eff. February 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 22, 2019.*