

15A NCAC 08G .0802 DISCIPLINARY ACTIONS

- (a) The Commission may revoke or suspend the certification of an operator or issue a letter of reprimand to an operator in accordance with the provisions of G.S. 90A-41.
- (b) The Chairman of the Commission may issue notification of summary suspension, in accordance with the provisions of G.S. 150B-3.
- (c) The Chairman shall convene a disciplinary committee to review the circumstances of the proposed disciplinary action(s).
- (1) The disciplinary committee shall include:
 - (A) the Chairman of the Commission;
 - (B) the Vice Chairman of the Commission;
 - (C) the member of the Commission who represents the type of system at which the operator is employed or another member of the Commission appointed by the Chairman of the Commission; and
 - (D) a certified operator who is not a member of the Commission and has been appointed from the public by the Chairman.
 - (2) The members of the disciplinary committee shall offer guidance to the Commission chairman in regards to the actions that should be taken against an operator.
- (d) Notification of the disciplinary committee meeting shall be sent by certified mail to the last known address of the operator at least 15 days prior to the date of the meeting of the disciplinary committee. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification or letter of reprimand is based.
- (e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the disciplinary committee meeting. The operator shall also be given the opportunity to make an oral statement before the disciplinary committee.
- (f) Within 10 business days of the conclusion of the disciplinary committee meeting, the Chairman shall issue the decision of the disciplinary committee. If this decision is to issue a revocation or suspension or a letter of reprimand, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification or the letter of reprimand shall be delivered to the operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 days prior to the effective date of the revocation or suspension or letter of reprimand.
- (g) If the certified operator initiates administrative proceedings, the Commission shall defer final action on the matter until receipt of a decision as provided for in G.S. 150B-34.
- (h) If an applicant is caught cheating on an examination by a proctor, the applicant shall be removed from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant, and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in Rule .0801 of this Section.
- (i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-41 and in Rule .0801 of this Section.

*History Note: Authority G.S. 90A-40; 90A-41;
Eff. April 1, 1999;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. December 1, 2018.*