

SECTION .0900 - PROCEDURES FOR DISCIPLINARY ACTIONS

15A NCAC 27 .0901 REVOCATION, RELINQUISHMENT OR EXPIRATION OF CERTIFICATION

(a) The Commission may suspend or revoke the certification of a well contractor or issue a letter of reprimand in accordance with the provisions of G.S. 87-98.8, G.S. 150B-3, and G.S. Chapter 150B, Article 3A.

(b) The disciplinary committee is delegated the authority to administer disciplinary action including a letter of reprimand, suspension or revocation of the certification of a well contractor. The Chairman shall convene a disciplinary committee meeting to review the circumstances of any proposed letter of reprimand, suspension or revocation. Written notice of the meeting of the committee shall be served on the well contractor personally or by certified mail at least 15 days prior to the meeting, and shall contain the following: the date, time, and place of the meeting; the disciplinary action proposed; notice of the reasons for the proposed disciplinary action; and an invitation to attend the committee meeting and present facts and reasons why the disciplinary action should not be taken. If served by mail, the notice shall be addressed to the well contractor at his or her last mailing address on file with the Commission.

(c) The disciplinary committee shall consist of the following:

- (1) The Chairman;
- (2) Two members of the Commission, appointed by the Chairman:
 - (A) a member who is a certified well contractor; and
 - (B) a member who is an environmental health professional actively engaged in well inspection and permitting.

(d) The disciplinary committee members shall consider the facts and reasons in support of or against the proposed disciplinary action, and within 10 working days of the conclusion of the committee meeting, the committee shall make and issue a decision. The disciplinary committee shall report the decision to the Commission at its next scheduled meeting.

(e) The well contractor shall be informed of the disciplinary committee's decision in writing, which shall contain the following: the disciplinary action, if any, which has been taken; notice of the reasons for the action; and a statement giving the well contractor the opportunity for a hearing under G.S. Chapter 150B, Article 3A.

(f) The notice shall be served on the well contractor personally or by certified mail. If notice cannot be given personally or by certified mail, then notice shall be given in the manner provided in G.S. 1A-1, Rule 4(j1). The notice shall also state that, to obtain a hearing, the well contractor must file a written request for a hearing with the Commission at its business address no later than the 30th day following the date of receipt of the disciplinary committee's written decision. A hearing request which is mailed satisfies the 30 days' filing requirement if the hearing request is received no later than the 30th day following the date of the receipt of the written decision.

(g) The disciplinary action shall become the final action of the Commission if the well contractor does not request a hearing within 30 days.

(h) Certification may be relinquished by submission to the Commission of the original certificate, wallet card and a notarized statement of relinquishment.

(i) If a letter of reprimand is issued, a copy of the letter shall be kept in the well contractor's file and a copy must be sent to the well contractor's employer of record. The well contractor shall be given the opportunity to put a letter of rebuttal into the file when a reprimand has been issued.

History Note: Authority G.S. 87-98.8; 143B-300; 150B-3; 150B-38; 150B-40; 150B-43;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2011; May 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.