

**20 NCAC 03 .0109            ENFORCEMENT PROCEDURES**

- (a) This Rule shall apply to all enforcement proceedings of the commission under the provisions of Chapter 159 of the General Statutes, including, but not necessarily limited to, G.S. 159-26(c), G.S. 159-33, G.S. 159-36, G.S. 159-37, G.S. 159-39(e), G.S. 159, Article 10, and G.S. 159, Article 11.
- (b) Action to enforce a statute shall begin when the Secretary finds that a reasonable cause exists to believe that the provisions of a particular statute have been violated.
- (c) Immediately thereafter, the Secretary shall notify the governmental unit or the person involved of the findings of reasonable cause, of the alleged facts of the case and the statute which is alleged to have been violated. The notice shall request an answer to the allegations within 14 days from the mailing date of the notice.
- (d) There shall be set up an informal conference between the party(s) notified and the staff of the Commission no later than seven days after the receipt by the Commission of the answer to the allegations. At the conference, the Commission shall try to reach an agreement with the other party(s) in which the act(s) alleged are corrected.
- (e) If the answer requested in Paragraph (c) of this Rule is not received by the Commission within the time limit specified or an agreement cannot be reached under Paragraph (d) of this Rule, the Secretary shall submit to the Commission a summary of the findings and events to date together with his suggestion on the proper action to be taken by the Commission.
- (f) Whenever he believes it necessary to safeguard assets of a governmental unit, the Secretary may shorten or omit any step of the procedure up to his report of the situation to the Commission.
- (g) If the Commission, thereafter, decides to proceed with an action to enforce a statute, the Commission shall proceed under the procedures outlined in 20 NCAC 3 .0105.

*History Note:     Authority G.S. 159-3(f);  
                         Eff. February 1, 1976;  
                         Readopted Eff. September 23, 1977;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,  
                         2018.*