

## **21 NCAC 18B .0902 CHARGES AND PRELIMINARY PROCEDURES**

(a) The authority given to the Board's executive director in this Rule shall include the executive director's authority to delegate to other members of the Board's staff.

(b) Charges filed pursuant to G.S. 87-47(a4) shall be handled according to the progressive steps set out in Paragraphs (c) through (f) of this Rule.

(c) A charge shall be handled initially by the executive director. The executive director may recommend to the Board that the charge be dismissed as unfounded or trivial, without a hearing. Unless so recommended, the executive director shall:

- (1) issue and cause to be served on the accused a written notice of violation, including a proposed sanction pursuant to G.S. 87-47(a2) or civil penalty pursuant to G.S. 87-47(a3), or both, or
- (2) give the accused written notice of the charge, including a request that the accused respond to it in writing within 20 days.

(d) The executive director may, upon receipt and evaluation of the response, recommend to the Board that the charge be dismissed as unfounded or trivial, without a hearing, or the executive director may issue and cause to be served on the accused a written notice of violation, including a proposed sanction pursuant to G.S. 87-47(a2) or civil penalty pursuant to G.S. 87-47(a3), or both, or may turn the matter over to the Board's Disciplinary Review Committee.

(e) The Disciplinary Review Committee will review regularly the actions of staff, and as to any particular matter, may take the actions outlined in Paragraph (c) of this Rule or may schedule a conference before the Committee with the accused. If a conference is held, the Committee shall issue its findings in the form of a Recommended Order that shall be provided to the accused and proposed for adoption by the full board as a Final Order in the absence of objection by the accused in 20 days.

(f) The Board shall review the report and recommendations of the Disciplinary Review Committee and as to any matter may, without a hearing, dismiss the charge as unfounded or trivial, adopt the unopposed recommendations of the Committee, schedule a hearing on matters not resolved, or set an administrative hearing on the charge, notice of which may include a statement that the Board shall accept an offer in compromise pursuant to G.S. 87-47(e).

(g) Before an administrative hearing is held, the Board may direct the disciplinary review committee to meet with the accused and the complainant in a final effort to effect a settlement.

(h) Each notice of violation or Recommended Order shall include a statement of the right to request a hearing, pursuant to G.S. 87-47(a4).

*History Note: Authority G.S. 87-42; 87-47;*

*Eff. October 1, 1988;*

*Amended Eff. April 15, 2003; February 1, 1996; February 1, 1990;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016.*