

## SECTION .0500 – DISCIPLINARY ACTION AND PROCEDURE

### 21 NCAC 21 .0501 FILING OF CHARGES AND DISCIPLINARY ACTIONS

(a) Any person may file a complaint with the Board against a geologist for disciplinary action based on a violation of G.S. 89E or of these Rules on a form—provided by the Board. This form is on the Board's website at [www.ncblg.org](http://www.ncblg.org) and may be requested from the Board. The complainant shall provide the following information:

- (1) the name and contact information of the person making the complaint;
- (2) the name and contact information of persons with information about the incident leading to the complaint;
- (3) information regarding the complaint, such as the address where work was performed, a description of the work performed, and the specific plan, survey, or report documenting the work performed; and
- (4) the statute or rule which was allegedly violated.

(b) The complaint shall set forth the facts upon which the complaint is based. The complainant shall swear or affirm that the facts stated in the complaint are true.

(c) Upon receipt of a complaint or upon the Board's own initiative, the Board's Executive Director, Board Chair, and counsel to the Board shall meet to determine whether the Board has jurisdiction over the complaint and whether there is good cause to proceed with an investigation.

(d) If it is determined there are grounds to proceed, the Board's professional staff shall open a case file, notify the complainant that the complaint has been received and a file opened, notify and provide a copy of the complaint to the respondent-licensee named in the complaint and request a response, and initiate an investigation of the allegations in the complaint.

(e) Based upon a review of the complaint or the results of the investigation, and consistent with procedures required by G.S. 150B, the Board may suspend or revoke the license or certificate of registration, may issue a reprimand as provided in Rule .0502 of this Section, or may, upon a statement of the reasons therefore, dismiss the charge as unfounded or trivial, which statement shall be mailed to the geologist and the complainant. If the Board determines that a licensee is professionally incompetent, the Board may require the licensee to demonstrate fitness to practice as allowed in G.S. 89E-19(b). In making this determination, the Board shall consider whether the licensee acted in conformance with the requirements of G.S. 89E and this Chapter. In addition to issuing a reprimand or suspending or revoking a license or certificate of registration, the Board, may impose a civil penalty pursuant to the requirements set forth in G.S. 89-19E.

(f) The Board shall notify the complainant and the respondent-licensee in any complaint filed with the Board of the disposition of the case and may publish in the Board's newsletter or other public media any disciplinary action taken against a licensee or registrant or any legal action taken against any person found to be in violation of G.S. 89E or these Rules after all rights to appeal have been exhausted.

*History Note:* Authority G.S. 89E-5; 89E-17; 89E-19; 89E-20;  
Eff. February 1, 1986;  
Amended Eff. April 1, 1989;  
Temporary Amendment Eff. November 24, 1999;  
Amended Eff. April 1, 2003; August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014;  
Amended Eff. June 1, 2017.