

21 NCAC 21 .0514 INVESTIGATION

(a) Complaints received by the Board which are determined to be within the jurisdiction of the Board following review by the Board Chair, the Executive Director, and the Board's Counsel and to provide the information required by Rule .0501 of this Section shall be forwarded to an investigator for further inquiry as to whether the acts or omissions alleged violate the provisions of G.S. 89E, the Board's Rules of Professional Conduct, or any other rules of this Chapter. The Board's Executive Director shall notify the licensee or corporate registrant of the complaint that:

- (1) the licensee or corporate registrant has a duty to cooperate fully with the investigation by the Board; and
- (2) the licensee or corporate registrant may submit a written response to the complaint.

(b) The investigator shall collect all information needed to determine whether a violation has occurred and the nature and severity of the violation. Information gathered during the course of an investigation shall be treated by the Board as confidential information in accordance with G.S. 89E-17(c) until the Board takes disciplinary action against the licensee or registered corporation.

(c) After collecting information relevant to the complaint, the investigator shall submit a report that consists of the complaint, information gathered in the course of investigation, and the investigator's conclusion to a peer-review committee for evaluation. The peer-review committee shall consist of at least two licensed geologists. The peer reviewers and investigator may consult to discuss the investigation into the complaint and their conclusions regarding the complaint. The peer reviewers shall prepare a written evaluation that documents whether any violation of the provisions of G.S. 89E, the Board's Rules of Professional Conduct, or any other rules of this Chapter has occurred.

(d) The investigation report (including the supporting information relevant to the complaint) and the written evaluation of the peer-review committee shall be submitted to the Executive Director of the Board to be added to-the licensee's written response to the complaint, if any, for further proceedings in accordance with Rule .0515 of this Section.

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