

**21 NCAC 22L .0110      DISQUALIFICATION OF BOARD MEMBERS**

- (a) Self-disqualification. If for any reason a board member determines that personal bias or other factors render that member unable to perform all duties in an impartial manner, that Board member shall voluntarily decline to participate in the final decision.
- (b) Request for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to perform all duties in an impartial manner, the party shall make a written request that the Board member be disqualified. The request shall be accompanied by a sworn, notarized affidavit. The title of such affidavit shall bear the notation: AFFIDAVIT IN SUPPORT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (Name of Case).
- (c) Contents of Affidavit. The affidavit shall state all facts the party deems to be relevant to the disqualification of the Board member.
- (d) Timeliness of Affidavit. The affidavit shall be considered timely if it is filed at least 10 days before commencement of the hearing or if it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.
- (e) The Board shall determine the matter as a part of the record in the case in accordance with G.S. 150B-40.
- (f) In the event of disqualification, the disqualified member shall not participate in the hearing, deliberations, or decision.

*History Note:      Authority G.S. 93D-3; 150B-38; 150B-40;  
                         Eff. January 1, 1992;  
                         Amended Eff. December 1, 2013; March 1, 1996;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September  
                         6, 2016.*