

24 NCAC 06A .0303 INITIATION OF DISCIPLINARY HEARING; NOTICE OF HEARING

- (a) The Director, initiates a Disciplinary Hearing by:
- (1) designating a hearing officer from a preselected panel of approved hearing officers, pursuant to Rule .0320 of this Subchapter; and
 - (2) following notification from the hearing officer of the date, time, and place of the hearing, which shall comply with Paragraph (c) of this Rule, submitting a "Notice of Disciplinary Hearing" to the hearing officer and Responsible Party.
- (b) The Notice of Disciplinary Hearing shall be:
- (1) provided to the designated hearing officer via email or other method identified by the hearing officer;
 - (2) served on the Responsible Party via email or in a manner outlined in Rule .0304 of this Subchapter; and
 - (3) in writing and contain at minimum:
 - (A) a short, plain statement of the facts describing the circumstances, violations, or conduct giving rise to the Disciplinary Hearing;
 - (B) the Disciplinary Action recommended;
 - (C) references to the particular Act or Rules germane to the Disciplinary Action; and
 - (D) the date, hour, and place of the hearing.
- (c) The Hearing officer shall set the date for the Disciplinary Hearing without undue delay; however, the hearing shall not occur within the 15 Days immediately following service of the Notice of Disciplinary Hearing.
- (1) Notice of the date, hour, and place of the hearing shall be posted on the Commission's website. Notice of any postponement or rescheduling of such hearing shall be posted on the website as soon as reasonably practicable.
 - (2) A party other than the Commission that receives notice of a hearing may waive its right to be heard by submitting a written waiver to the Hearing officer.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1C-003;
Eff. January 8, 2024;
Readopted Eff. March 27, 2024.*