

24 NCAC 06A .0335 SUMMARY SUSPENSION

(a) Counsel for the Commission shall present a motion for summary Suspension to the Chair of the Commission, or the Chair of the Sports Betting Committee if the Chair of the Commission is unavailable, and may be presented ex parte. The motion shall be supported by an affidavit of a Person with first-hand knowledge of the facts alleged which require emergency action.

(b) The Chair of the Commission or Chair of the Sports Betting Committee may summarily suspend a License without notice or a formal Disciplinary Hearing if the Chair of the Commission or Chair of the Sports Betting Committee determines based on factual showing assembled by Commission staff that:

- (1) the safety or health of Persons or employees or the integrity of Sports Wagering or Pari-Mutuel Wagering is jeopardized by continuing an operation; or
- (2) Suspension is necessary for the immediate preservation of the integrity of Sports Wagering, Pari-Mutuel Wagering, public peace, health, safety morals, good order, or general welfare.

(c) When a License is summarily suspended, the Director shall immediately designate a hearing officer and schedule a hearing, to occur at the earliest practicable date, on the merits of the charges set out in a Notice of Disciplinary Hearing issued contemporaneously with the order of summary Suspension. Such hearing shall proceed according to Rules outlined in this Section.

(d) As soon as possible following the decision to summarily suspend a License, the Director shall serve on the Responsible Party the order for summary Suspension, the Notice of Disciplinary Hearing, and other record materials considered by the Chair of the Commission or Chair of the Sports Betting Committee in ordering the summary Suspension. The order of summary Suspension shall be effective no earlier than the date of service of the summary Suspension order on the Licensee. The Notice shall be served personally or pursuant to Rule .0304 of this Subchapter.

(e) The order of summary Suspension shall remain in effect until the Commission vacates it. The order of summary Suspension shall state when the Suspension will begin and end, and shall state the reasons for the Suspension.

(f) At the scheduled hearing, the summarily suspended Responsible Party may petition the hearing officer to vacate the summary Suspension order.

- (1) If the hearing officer finds that the summary Suspension order was issued in error or on insufficient factual grounds to justify emergency action, the hearing officer may vacate the summary Suspension order.
- (2) The hearing officer shall hear and consider the merits of the Responsible Party's petition. Rules governing the conduct and procedure of Commission Disciplinary Hearings shall apply under those circumstances.

(g) Neither an order of summary Suspension nor a denial of a motion to vacate an order of summary Suspension is a final Commission decision.

(h) The Director or their designee shall serve the Responsible Party with the order of summary Suspension via email and by a method outlined Rule .0304 of this Subchapter.

*History Note: Authority G.S. 18C-114(a)(14);
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