

## **02 NCAC 34 .1103 RE-INSPECTIONS**

(a) If a primary deviation, as defined by the committee, is found by the Division, the licensee or certified applicator responsible for said deviation shall be notified, in writing, as specified in Rule .1102(b) of this Section of the deviation. At the end of 30 days from the date of notification a reinspection shall be made by the Division to determine if the deviation has been corrected. The licensee or certified applicator responsible for the deviation shall be charged a fee of twenty-five dollars (\$25.00) for the reinspection. The disclosure of a primary deviation by the Division requires a reinspection and correction of the primary deviation before the date of reinspection does not relieve the licensee or certified applicator of the responsibility to pay the reinspection fee as heretofore set forth. If the primary deviation is not corrected on the first reinspection date, the licensee or certified applicator shall be notified, in writing, and a second reinspection shall be made at the end of 30 days from the date of notification. A fee of fifty dollars (\$50.00) shall be charged the licensee or certified applicator for the second reinspection. If the primary deviation is not corrected on the second reinspection date, the licensee or certified applicator shall be notified, in writing, and a third reinspection shall be made at the end of 30 days from the date of notification. A fee of one hundred dollars (\$100.00) shall be charged the licensee or certified applicator for the third reinspection. This reinspection procedure shall be repeated at 30-day intervals thereafter until all primary deviations have been corrected. A fee of one hundred dollars (\$100.00) shall be charged the licensee or certified applicator for each reinspection made after the date of the third reinspection. If more than one primary deviation is found on a job at any time by the Division or committee, the licensee or certified applicator shall be charged only one reinspection fee for each reinspection of the job. All such reinspection fees, as set forth herein, shall be paid within 30 days of written notice from the Division or the committee. Failure of the licensee or certified applicator to pay all such fees, within the time specified herein, is a ground for disciplinary action by the committee.

(b) If a secondary deviation, as defined by the committee, is found by the Division, the licensee or certified applicator responsible for said deviation shall be notified, in writing, as specified in Rule .1102(b) of this Section, of the deviation. At the end of 30 days from the date of notification, a reinspection shall be made by the Division to determine if the deviation has been corrected. If all secondary deviations are not corrected on the first reinspection date, the deviations shall become primary deviations and handled thereafter as specified in Paragraph (a) of this Rule.

(c) If the validity of the results of tests, conducted by the committee or its authorized representatives, on soil samples taken from jobs treated by the licensee or certified applicator are questioned by the licensee or certified applicator, analyses of the soil samples shall be made by a chemist agreeable to the licensee or certified applicator and the committee. The chemists' analyses shall be accepted as the basis for disposition of the case. The cost of the analyses by the chemist shall be borne by the certified applicator or licensee if the results of the analyses verify the committee's prior analyses or, by the committee if the results do not verify the committee's prior analyses.

*History Note: Authority G.S. 106-65.29;  
Eff. July 1, 1976;  
Readopted Eff. November 22, 1977;  
Amended Eff. February 1, 2011; January 1, 1991; January 1, 1989; August 1, 1980;  
Paragraphs (d) and (e) were recodified to Rule .1102(c) and (d) effective February 1, 2011;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*