

### **10A NCAC 63C .0403 PROCEDURE**

(a) A licensee, operator, or the ECBV dissatisfied with any action or inaction taken by the Division related to the Business Enterprises Program may request an informal review by the Operator Relations Committee. Participation in an informal review is not required to obtain a full evidentiary hearing, nor does participation in an informal review waive any right to obtain a full evidentiary hearing.

- (1) When a licensee, operator, or the ECBV wishes to request an informal review by the Operator Relations Committee, the licensee, operator, or ECBV shall submit a written request to the Business Enterprises Program Chief. The licensee, operator, or the ECBV shall have 20 business days after the action or inaction taken by the Division that they are dissatisfied with to request an informal review.
- (2) The written request of the licensee, operator, or ECBV shall include:
  - (A) their name, address, and preferred means of receiving written communication with the Division;
  - (B) a statement that they are requesting an informal review;
  - (C) a statement explaining the actions or inactions with which they are dissatisfied; and
  - (D) a statement explaining the resolution sought by the licensee, operator, or ECBV.

This request shall be transmitted to the Business Enterprises Program Chief personally, electronically, or by certified mail, return receipt requested.

- (3) The licensee, operator, or the ECBV shall be notified of the date and location of the informal review at least five business days in advance of the informal review. The informal review shall be conducted within 25 business days of receipt of the request. The Operator Relations Committee shall issue a written decision within 10 business days after the informal review is conducted and mail the decision to the licensee, operator, or ECBV and the Division.
- (4) The Division shall review the decision of the Operator Relations Committee and shall notify the licensee, operator, or ECBV in writing whether the Division affirms or overrules the decision within five business days of receipt of the decision.
- (5) A request for an informal review under this Rule shall have the effect of suspending the time limitation for filing a petition for contested case hearing pursuant to G.S. 150B-23 and other provisions of Chapter 150B, Article 3 until the later of the following:
  - (A) the licensee, operator, or the ECBV receives written notice of the Division's final decision regarding the informal review; or
  - (B) the licensee, operator, or the ECBV withdraws its request for informal review

(b) Notwithstanding any other provision in this Rule, a licensee, operator, or the ECBV dissatisfied with any action or inaction taken by the Division related to the Business Enterprises Program may request a full evidentiary hearing by filing a petition for contested case hearing with the Office of Administrative Hearings. Such a request for a full evidentiary hearing shall be filed within the time limitation contained in G.S. 150B-23(f).

- (1) This hearing shall be held in accordance with G.S. 150B, Article 3.
- (2) If the dispute(s) is not resolved to the satisfaction of the licensee, operator, or the ECBV after the conclusion of a full evidentiary hearing, an appeal may be made to the Secretary of the U. S. Department of Education for the convening of an arbitration panel in accordance with 34 C.F.R. 395.13.

*History Note: Authority G.S. 111-27; 111-27.1; 143B-157; 150B-23; 20 U.S.C. 107b-1; 20 U.S.C. 107d-1; Eff. October 1, 1978; Amended Eff. August 1, 2002; May 1, 1996; August 1, 1990; February 1, 1984; February 1, 1983; December 1, 1981; Readopted Eff. August 1, 2020.*