

12 NCAC 02I .0212 SUSPENSION, REVOCATION, OR DENIAL OF OFFICER COMMISSION

(a) A company police commission shall be revoked or denied upon a finding that the officer has committed or been convicted of:

- (1) any felony unless granted an unconditional pardon of innocence; or
- (2) any crime for which the authorized punishment could have been imprisonment for more than two years.

(b) The Attorney General, or his designee, may revoke, suspend, or deny the commission of a company police officer when the Company Police Administrator finds that the applicant for commission or the commissioned company police officer has committed or been convicted of:

- (1) a crime or unlawful act as defined in 12 NCAC 09A .0103(23)(b) as a Class B misdemeanor and which occurred after the date of initial certification;
- (2) a crime or unlawful act as defined in 12 NCAC 09A .0103(23)(b) as a Class B misdemeanor within a five-year period prior to the date of certification;
- (3) four or more crimes or unlawful acts as defined in 12 NCAC 09A .0103(23)(b) as Class B misdemeanors regardless of the date of commission or conviction;
- (4) four or more crimes or unlawful acts as defined in 12 NCAC 09A .0103(23)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification; or
- (5) any combination of four or more crimes or unlawful acts defined in 12 NCAC 09A .0103(23)(a) as a Class A misdemeanor or defined in 12 NCAC 09A .0103(23)(b) as a Class B misdemeanor regardless of the date of commission or conviction.

(c) A company police commission shall be revoked or denied upon a finding that:

- (1) the officer lacks good moral character as referred to in G.S. 17C-10(c) and 12 NCAC 02I .0202(a)(9);
- (2) the officer fails to meet any of the required standards as specified in 12 NCAC 02I .0202;
- (3) the officer has been terminated from employment with the company police agency for which the officer is commissioned or is no longer employed with such company police agency;
- (4) the officer has committed any act prohibited by 12 NCAC 02I .0304;
- (5) the certification of the company police agency with which the officer is commissioned is terminated, suspended or revoked.
- (6) knowingly made a material misrepresentation of any information required for commissioning or certification from the Company Police Administrator, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission; or
- (7) has been denied certification or had such certification suspended or revoked by the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Sheriff's Education and Training Standards Commission or a similar North Carolina, out of state or federal approving, certifying or licensing agency.

(d) An officer whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

*History Note: Authority G.S. 74E-4;
Eff. August 2, 1993;
Amended Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*