

15A NCAC 08F .0406 DISCIPLINARY ACTIONS

- (a) The Commission, in accordance with the provisions of G.S. 90A-47.5, may suspend or revoke the certificate of a certified operator in charge.
- (b) The Chairman of the Commission may issue notification of summary suspension in accordance with the provisions of G.S. 150B-3.
- (c) The Chairman shall convene a disciplinary committee to review the circumstances of the proposed disciplinary action(s).
 - (1) The disciplinary committee shall include:
 - (A) the Chairman of the Commission;
 - (B) the Vice Chairman of the Commission;
 - (C) both members of the Commission appointed by the Commissioner of Agriculture; and
 - (D) a certified operator who is not a member of the Commission and has been appointed from the public by the Chairman.
 - (2) The members of the disciplinary committee shall offer guidance to the Commission Chairman regarding the actions that should be taken against an operator.
- (d) Notification of the disciplinary committee meeting shall be sent by certified mail to the last known address of the operator at least 15 days prior to the date of the meeting of the disciplinary committee. This notification shall contain the alleged facts or conduct upon which the proposed revocation or suspension of the certification is based.
- (e) The operator shall have an opportunity to submit a written response to the Chairman prior to the date of the disciplinary committee meeting. The operator shall also be given the opportunity to make an oral statement before the disciplinary committee.
- (f) Within 10 business days of the conclusion of the disciplinary committee meeting, the Chairman shall issue the decision of the disciplinary committee. If this decision is to issue a revocation or suspension, the Chairman shall advise the operator of the effective date of the action and the facts or conduct upon which the action is based. The revocation or suspension of a certification shall be delivered to the operator and the owner of the system(s) at which the operator works by certified mail, at the last known address for the operator and owner on file with the Commission, at least 20 days prior to the effective date of the revocation or suspension.
- (g) If the certified operator initiates administrative proceedings, the Commission shall defer final action on the matter until receipt of a decision as provided for in G.S. 150B-34.
- (h) If an applicant is caught cheating on an examination by a proctor, the applicant shall be removed from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant, and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-47.5 and in this Rule.
- (i) If the Commission determines, after the examination has been graded, that an applicant cheated on an examination and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission shall be subject to revocation as set forth in G.S. 90A-47.5 and in this Rule.

*History Note: Authority G.S. 90A-47.5;
Temporary Adoption Eff. January 7, 1997;
Eff. August 1, 1998;
Readopted Eff. December 1, 2018.*