

SECTION .0600 – DISCIPLINARY INVESTIGATION

21 NCAC 05 .0601 COMPLAINT PROCEDURES

- (a) Initiation. Any individual with personal knowledge that any person has violated the Code of Conduct, any other rules of this Chapter, or G.S. 90, Article 43, may file a complaint by submitting the Ethics Complaint Form found on the Board's website.
- (b) Form. The complaint shall be in typed or handwritten format stating the nature of the alleged offense and signed by the complainant. The complaint shall include:
- (1) the name, address, and telephone number of the complainant;
 - (2) the name and address of the person against whom the complaint is made ("respondent"); and
 - (3) a statement of the facts that describe the allegations against the person.
- (c) The complaint shall be investigated as set out in Rule .0602 of this Section.
- (d) Upon completion of the investigation of the complaint, the ethics committee shall take action as set out in Rule .0602 of this Section.
- (e) If the ethics committee concludes there is a basis to schedule a disciplinary hearing before the Board, the committee chairperson shall notify the respondent. The notice to the respondent shall include the following:
- (1) the sections of the Code of Conduct, other rules of this Chapter, or G.S. 90, Article 43 that the complaint alleges has been violated;
 - (2) direct that the respondent reply to the Board in writing and by certified mail within 15 days of receipt of this notice; and
 - (3) inform the respondent that failure to respond in writing within 15 days may result in revocation of a license.
- (f) The Board shall issue notice by regular postage mail, certified mail, or personal service at the last known address of the respondent. If given by certified mail, notice shall be deemed to have been given on the delivery date appearing on the return receipt.
- (g) The Board may receive correspondence in an ethics case through e-mail in order to conduct the investigation or when the subject of an investigation is unable to use or has been unresponsive to certified mail or other methods of delivery. The Board may use local law enforcement or a private investigator licensed by the Private Protective Services Board to personally serve a respondent.
- (h) If notice cannot be given either by regular postage mail, personal service, or by certified mail, a notice that a complaint has been brought against the respondent shall then be given by publication. Service of notice by publication shall consist of publication once a week for three successive weeks in a newspaper that is qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and circulated in the area where the respondent is believed to be located. The notice shall include a statement by the Board that a complaint has been made against the respondent that is scheduled to be heard by the Board within 90 days. The notice shall inform respondent that respondent shall be given 30 days from the date of the last date of publication in which to respond to the service by publication for the purpose of notifying the Board of respondent's whereabouts. Response shall be made in writing to the Board at the address provided by the Board in its notice. If respondent provides the Board with information whereby he or she can be served by the deadline specified in the notice, the Board shall provide notice either personally or by certified mail as provided in Paragraph (g) of this Rule. Failure of respondent notified by publication of a complaint brought by the Board shall be treated as a failure of respondent to reply to the charges.
- (i) Failure of the respondent to reply to the charges, including each specific allegation, may be considered an admission of the facts contained in the allegation(s).

History Note: Authority G.S. 90-731; 90-734; 90-742; 90-744; 90-746; 90-747;
Eff. February 1, 2023.