

## 21 NCAC 06C .0912 COMPLAINTS

- (a) An individual who wishes to make a complaint alleging a violation of G.S. 86A or the Board's rules shall submit the complaint in writing to the address or through the website set forth in 21 NCAC 06A .0102.
- (b) Upon receipt of a complaint, the Board's Executive Director shall review the complaint. The Executive Director shall assign a staff member to investigate the complaint, except for complaints that are dismissed as set forth in Paragraph (c) of this Rule.
- (c) The Executive Director shall dismiss the complaint and notify the complainant if the complaint:
- (1) lacks information, such as barbershop location or a description of the alleged conduct, necessary to investigate the complaint. Before dismissal, the Executive Director shall attempt to collect additional information from the complainant; or
  - (2) alleges conduct that is not prohibited by G.S. 86A or the Board's rules or is not within the Board's jurisdiction. The Executive Director shall refer the complaint to any other agency that may have jurisdiction.
- (d) After conducting an investigation, the assigned staff member shall:
- (1) recommend to the Executive Director that the Board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or
  - (2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence of a violation of G.S. 86A or the Board's rules or the alleged conduct is not within the Board's jurisdiction.
- (e) After receiving a recommendation required by Paragraph (d) of this Rule, the Executive Director shall:
- (1) request additional investigation by the assigned staff member on a case-by-case basis when the recommendation does not contain facts to support the actions set forth in Subparagraphs (2) or (3) of this Paragraph;
  - (2) recommend that the Board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or
  - (3) dismiss the complaint and notify the complainant, except that the Executive Director shall refer the complaint to any other agency that may have jurisdiction.
- (f) At each regularly scheduled Board meeting, the Executive Director shall submit to the Board a report of dismissed complaints that he or she has not previously reported, with a summary of the allegations and a justification for the dismissal. If the complaint was dismissed within 30 days of the Board meeting, the Executive Director may instead include the dismissal in the report for the Board meeting following the next regularly scheduled meeting.
- (g) By a majority vote, the Board may reopen any complaint that the Executive Director has dismissed, in which case the complaint shall be handled as if the Executive Director had not dismissed the complaint.

*History Note:* Authority G.S. 86A-5;  
Eff. April 1, 2017;  
Temporary Amendment Eff. May 2, 2023;  
Temporary Amendment Exp. Eff. February 9, 2024.