

**21 NCAC 08C .0111 NEW HEARING AFTER DISQUALIFICATION**

(a) Upon request of a party to a contested case, the Board will conduct a new hearing of the contested case if a Board member was disqualified after the beginning of the initial hearing and if either:

- (1) less than a majority of Board members remained at the hearing subsequent to the disqualification, or
- (2) when the Board determines that substantial prejudice would result if a new hearing was not conducted.

(b) The Board member who has been disqualified shall not participate in the determination of whether substantial prejudice would result if a new hearing was not conducted.

*History Note: Authority G.S. 93-12; 150B-40;  
Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28,  
2014.*