

21 NCAC 34A .0119 FINAL DECISION IN CONTESTED CASE

(a) Immediately upon the conclusion of a disciplinary proceeding conducted pursuant to G.S. 150B-38 and upon an adopted motion by the Board, the Board shall deliberate on whether an applicant, licensee, or permit holder involved has violated a statute or rule for which the Board has the authority to enforce, and what disciplinary action, if any, should be taken against the applicant, licensee, or permit holder.

(b) If the Board reaches a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion of the disciplinary proceeding, the Board shall announce the decision but shall provide the parties with an opportunity to submit proposed findings of fact and exceptions to the decision to the Board's office within 15 days, unless additional time is allowed by the Board for good cause shown or upon mutual agreement by the parties. For purposes of this Rule, "good cause" shall mean the length of the hearing, the complexity of the issues involved, and the availability of the parties.

(c) If the Board does not reach a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion of the disciplinary proceeding, the Board shall provide the parties an opportunity to submit proposed findings of fact and conclusions of law to the Board's office within 15 days, unless additional time is allowed by the Board for good cause shown or upon mutual agreement by the parties. The Board shall deliberate on the issues set forth in Paragraph (a) of this Rule at its next Board meeting following the parties' deadline to submit the proposed findings of fact and conclusions of law.

(d) Following the expiration of the time allowed for the parties to submit proposed findings and exceptions, the Board shall make a written final agency decision in accordance with G.S. 150B-42.

(e) Disciplinary costs shall be assessed against an applicant, licensee, or permit holder in a written final agency decision that results in disciplinary action following a show cause hearing, as set forth in G.S. 90-210.23(d1). For purposes of this Rule, "disciplinary costs" are actual costs incurred by the Board to prosecute the case, including per diems and expenses paid to Board members and witnesses, costs for a court reporter and transcripts, and costs associated with preparing exhibits.

*History Note: Authority G.S. 90-210.23(a), (d); 90-210.23(d1); 150B-38(h); 150B-42;
Eff. February 1, 1976;
Readopted Eff. September 27, 1977;
Repealed Eff. July 1, 1988;
Eff. October 1, 2021 (Codifier approved request from agency to reuse rule number).*