

SUBCHAPTER 09B - PRELIMINARY INQUIRY AND PROBABLE CAUSE DETERMINATION

30 NCAC 09B .0101 INQUIRY AND PROBABLE CAUSE PANELS

- (a) The preliminary inquiry and the determination of probable cause shall be made by a Commission panel of two Commission members, who shall not be of the same political party. The Chair shall appoint members of the panel to serve on a rotating basis. The Chair may appoint substitute panel members.
- (b) After a preliminary inquiry, the Commission panel may dismiss a complaint if it determines the following:
- (1) that the individual against whom the complaint was filed is not a covered person or legislative employee; or
 - (2) that the complaint did not allege facts sufficient to constitute a violation under G.S. 138A-12(b).
- (c) If the Commission panel members cannot agree at the preliminary inquiry stage as to whether the complaint alleges facts sufficient to constitute a violation, the matter shall proceed to an investigation.
- (d) If the Commission panel members disagree on the probable cause determination, the complaint shall proceed to the Commission for the probable cause determination with the panel members recusing themselves from voting.

History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12;
Eff. January 1, 2011;
Amended Eff. September 1, 2016; June 1, 2014.

30 NCAC 09B .0102 WRITTEN RESPONSE AFTER PRELIMINARY INQUIRY

- (a) After a preliminary inquiry, if the covered person or legislative employee elects to file a response with the Commission pursuant to G.S. 138A-12(g), the covered person or legislative employee shall file the response no later than 30 calendar days after receiving the written notice that the Commission is conducting a further inquiry.
- (b) The Executive Director may extend the deadline in Paragraph (a) of this Rule for up to 30 calendar days upon good cause shown.

History Note: Authority G.S. 138A-10(a)(2); 138A-10(a)(5); 138A-10(a)(6); 138A-10(a)(10); 138A-12(g);
Eff. January 1, 2011.