

30 NCAC 10D .0402 SETTLEMENT OF COMPLAINTS

(a) At any time, the respondent or his or her legal counsel may meet by mutual consent with the Commission staff to discuss the possibility of settlement of the complaint subject to Article 1, 3, 5, or 7 of G.S. 120C. Settlement of complaints subject to Article 2, 4, or 8 of G.S. 120C is within the Secretary of State's discretion. Resolution by settlement between the respondent and the Commission does not impact or impede the Secretary of States authority to determine that violations of Article 2, 4, or 8 have occurred, to assess penalties for those violations and to refer to a District Attorney.

(b) If a panel finds that an alleged violation has occurred, Commission staff shall provide the respondent with the panel's recommended determination and offer to engage in settlement discussions. Any recommended determinations provided to the respondent to facilitate settlement discussions shall redact information regarding Article 2, 4, or 8 to the extent possible under the circumstances.

(c) Staff shall present any proposed settlement to the panel. The panel may accept, reject, or modify the terms of the proposed settlement. The panel shall make a final recommendation regarding the settlement to the Commission for approval. If the panel members disagree on acceptance of a proposed settlement, the complaint shall go before the Commission for a decision with the panel members recusing themselves from voting.

(d) Upon the Commission's approval of a settlement under Rule .0404(1)(a) of this Subchapter, the complaint shall be closed as to the complaints subject to Article 1, 3, 5, or 7, subject to re-opening by the Commission if the settlement agreement is breached.

(e) The Commission shall only provide written notice of a settlement to the complainant and the complainant shall not receive a copy of the settlement agreement.

*History Note: Authority G.S. 120C-101(a); 120C-601;
Eff. June 1, 2014.*