

02 NCAC 09L .2106 CONDUCT OF HEARING

(a) Hearings in contested cases shall be conducted by a majority of the Board. The chairman shall serve as presiding officer unless he is absent or disqualified, in which case the vice-chairman shall preside. Hearings shall be conducted as prescribed in G.S. 150B-40.

(b) Disqualification. An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, will be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

- (1) Prior to the hearing; or
- (2) As soon after the commencement of the hearing as the affiant becomes aware of facts which give rise to his belief that a Board member should be disqualified.

(c) Evidence. The admission of evidence in a hearing in a contested case shall be as prescribed in G.S. 150B-41.

*History Note: Authority G.S. 143-437; 150B-38;
Eff. February 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018.*