

**10A NCAC 63C .0203 SUSPEND: TERMINATE LICENSE: REMOVAL FROM BUSINESS
ENTERPRISES FACILITY**

(a) The Division may suspend or terminate the license of an operator, after affording the operator an opportunity for a full evidentiary hearing, when it finds that his facility is not being operated in accordance with the rules and regulations; with the terms and conditions of the agreement, contract, or permit between the Division and the sponsor of the building or site upon which the Business Enterprises facility is located; or with the terms of the contract between the operator and the Division relating to the particular assignment.

(b) An operator may be warned prior to suspension or termination of a license, particularly in situations where lack of compliance is not determined by the Division to pose an immediate threat to the general public or to bring discredit or irreparable damage to the Business Enterprises Program.

(c) Licenses to operators may also be suspended or terminated for any of the following reasons:

- (1) Vision improves so that the operator is no longer eligible for licensing;
- (2) Extended illness occurs with medically documented diagnosis of prolonged incapacity of the operator to manage the Business Enterprises facility in a manner consistent with the needs of the location or other available locations in the Business Enterprises Program;
- (3) Withdrawal of the operator from the program upon his written notification to the Division;
- (4) Gross misconduct or conduct so reprehensible as to bring discredit to the program;
- (5) Conviction of a felony (Class A through E);
- (6) Falsified information pertaining to eligibility requirements;
- (7) Willful acts that would endanger the lives and property of others;
- (8) Possession of firearms or lethal weapons on the job;
- (9) Reporting to Business Enterprises assignment under the influence of alcohol or any controlled substance or partaking of such on the job.

(d) Suspension may be used when an apparent action or lack of action by an operator is not serious enough in the opinion of the Division to warrant termination of the license. The length of the suspension shall vary with the seriousness of the situation, but shall not exceed a maximum of 60 days.

(e) If the Division finds that the public health, safety, or welfare requires emergency action, summary suspension of a license may be ordered.

*History Note: Authority G.S. 111-27; 34 C.F.R. 395.7; 20 U.S.C. Sec. 107;
Eff. October 1, 1978;
Amended Eff. August 1, 2002; February 1, 1986.*