

12 NCAC 09G .0505 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL

(a) When the Commission revokes or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of the sanction shall be permanent where the cause of the sanction is the commission or conviction of a felony offense, and shall be 10 years where the cause of sanction is:

- (1) the second suspension of an officer's certification for any of the causes requiring a three-year period of suspension; or
- (2) revocation or denial of certification by the North Carolina Sheriffs' Education and Training Standards Commission based on grounds that would constitute a violation of this Subchapter.

(b) When the Commission suspends or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of sanction shall be not less than three years; however, the Commission may reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), for a three year period prior to the date of application, or completion of any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
- (2) commission or conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), after certification;
- (3) discharge by the North Carolina Department of Adult Correction pursuant to 12 NCAC 09G .0504(b)(4) and (b)(5) of this Section;
- (4) refusal to submit to the applicant drug screen required by the Rules in this Subchapter;
- (5) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09G .0205, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory;
- (6) the applicant has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (7) the applicant has knowingly and willfully obtained, attempted to obtain, aided another person to obtain, or aided another person attempt to obtain credit, training or certification by any means of false pretense, deception, defraudation, misrepresentation or cheating;
- (8) failure to make either of the notifications as required by 12 NCAC 09G .0208 or .0209;
- (9) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or
- (10) certification revoked or denied by the North Carolina Sheriffs' Education and Training Standards Commission, if such certification was revoked or denied based on grounds that would constitute a violation of Section 09G of these Rules.

(c) When the Commission suspends or denies the certification of a corrections officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements;
- (2) failure to meet or maintain the minimum standards for certification; or
- (3) discharge from the North Carolina Department of Adult Correction for impairment of physical or mental capabilities.

*History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
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