

## **21 NCAC 12A .0702 UNLICENSED PRACTICE**

(a) Complaint. Any person who believes that a person, firm, or corporation is in violation of the acts specified in G.S. 87-13 may file a complaint against that person, firm, or corporation. The complaint shall be filed with the Board and include the complainant's contact information, project location, and name of alleged violator.

(b) Preliminary or Threshold Determination:

- (1) A complaint filed in accordance with G.S. 87-13 shall be forwarded to a staff investigator for investigation. Board staff shall investigate the charge to determine whether there is probable cause to believe that a party against whom a charge has been brought violated the provisions of G.S. 87-13.
- (2) After the investigation is complete, the charge shall be referred to the review committee. The review committee shall consist of the following individuals:
  - (A) one member of the Board;
  - (B) the Secretary-Treasurer or his designee; and
  - (C) a staff person agreed upon by the individuals listed above.
- (3) Based upon the complaint and investigation, if the review committee determines that probable cause exists that a person, firm, or corporation is practicing general contracting without a license, it shall recommend to the Board that injunctive relief be sought. If the Board concurs with the review committee's recommendation, the investigation shall be forwarded to Board counsel to seek injunctive relief. If the review committee does not believe that the person, firm, or corporation is practicing general contracting without a license, it shall recommend to the Board dismissal of the complaint. Once dismissed, the Board shall notify the complainant.

*History Note:* Authority G.S. 87-1; 87-4; 87-13; 87-13.1;  
Eff. February 1, 1976;  
Readopted Eff. September 26, 1977;  
Amended Eff. April 1, 2014; June 1, 2011; May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;  
Amended Eff. April 1, 2018;  
Recodified from 21 NCAC 12 .0702 Eff. January 2, 2020.