

**21 NCAC 25 .0702            EVALUATION OF MITIGATING AND AGGRAVATING FACTORS**

- (a) If the Board finds that mitigating factors outweigh aggravating factors, the Board may assess a penalty that is less than the presumptive penalty.
- (b) If the Board finds that aggravating factors outweigh mitigating factors, the Board may assess a penalty that is more than the presumptive penalty, provided that no single penalty for any single violation shall exceed one thousand dollars (\$1,000).
- (c) If the Board assesses a penalty that is more or less than the presumptive penalty, the Board shall state its reasons for doing so. The Board need not state its reasons for assessing the presumptive penalty.

*History Note:*     *Authority G.S. 90D-14(c); S.L. 2005-299, s.4;*  
                         *Eff. August 1, 2007;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
                         *2017.*