

30 NCAC 10D .0204 PRELIMINARY INQUIRY DECISIONS

- (a) Upon completion of the preliminary inquiry, the following actions may be taken:
- (1) an investigation, if the information alleges a violation over which the Commission has jurisdiction under G.S. 120C.
 - (2) decline or dismiss a complaint for the following reasons:
 - (A) the complaint is not within the Commission's jurisdiction and authority under G.S. 120C;
 - (B) the facts are insufficient to constitute a violation under any provisions within the Commission's jurisdiction under G.S. 120C;
 - (C) the complaint is determined to be frivolous; or
 - (D) the respondent and the conduct complained of are the same actions or conduct that have been the subject of a prior complaint.
 - (3) refer to one of the following:
 - (A) the N.C. Secretary of State when a complaint relates to Article 2, 4, or 8 of G.S. 120C. The complainant shall be notified.
 - (B) other State, federal or local agencies or law enforcement authorities. The complainant shall be notified.
 - (4) stay. If other agencies or authorities are conducting an investigation of the same actions or conduct, the Commission may stay its inquiry pending final resolution of the other investigation. This provision does not prohibit the Secretary of State's Lobbying Compliance Division from exercising its investigative and enforcement authority for portions of a complaint subject to Article 2, 4, or 8.
- (b) A panel decision to dismiss, decline, refer, or stay a complaint following a preliminary inquiry shall be considered by the Commission no later than its next regularly scheduled quarterly meeting. If the Commission rejects the panel's decision, the complaint shall be investigated.
- (c) The following actions shall proceed without Commission approval upon a decision by the panel to investigate or if the panel members disagree on whether to investigate:
- (1) an investigation; and
 - (2) a referral pursuant to Part (a)(3)(A) of this Rule.
- (d) Upon receipt of a referral under Part (a)(3)(A) of this Rule, the Secretary of State may:
- (1) investigate; or
 - (2) resume an investigation referred to the Commission pursuant to Article 6 of G.S. 120C.

History Note: Authority G.S. 120C-101(a); 120C-600; 120C-601;
Eff. June 1, 2014.