

SECTION .0400 – COMPLAINT DISPOSITIONS

30 NCAC 10D .0401 PANEL REVIEW AND RECOMMENDATION

(a) For complaints initiated pursuant to Rule .0202(2) of this Subchapter, Commission staff shall present the investigative report to the same Commission panel that conducted the preliminary inquiry or a substitute panel appointed pursuant to Rule .0105 of this Subchapter.

(b) The Commission panel shall review the investigative report and shall take one or more of the following actions regarding the Article 1, 3, 5, and 7 allegations:

- (1) direct Commission staff to conduct further investigation or obtain additional information;
- (2) recommend that the Commission refer the lobbying complaint to another agency;
- (3) recommend that the Commission dismiss the lobbying complaint or specific allegations within the complaint for lack of a violation of Article 1, 3, 5, or 7 of G.S. 120C.
- (4) recommend that the Commission find a violation of Article 1, 3, 5, or 7 of G.S. 120C and that a specific sanction or sanctions should be imposed. A violation shall be shown to exist by a preponderance of the evidence.

(c) Recommendations shall be presented to the Commission no later than at the next regularly scheduled quarterly Commission meeting.

(d) If the panel members disagree on a decision under this Rule, the complaint shall go before the Commission for a decision pursuant to Rule .0404 of this Subchapter, with the panel members recusing themselves from voting.

*History Note: Authority G.S. 120C-101(a); 120C-601;
Eff. June 1, 2014;
Amended Eff. September 1, 2016.*