

**30 NCAC 10D .0404 COMMISSION ACTIONS ON A COMPLAINT**

The Commission may take one or more of the following actions regarding the Article 1, 3, 5, or 7 allegations:

- (1) accept, modify or reject any proposed settlement agreement.
  - (a) If accepted, the Commission shall notify the respondent of the Commission's decision.
  - (b) If modified, staff shall present the modifications to the respondent for approval.
  - (c) If rejected, the Commission shall proceed with any other action under Subparagraphs (2)-(5) of this Rule.
- (2) direct Commission staff to conduct further investigation or obtain additional information;
- (3) refer the complaint to another agency, and notify the respondent and the complainant of the referral.
- (4) dismiss the complaint for lack of evidence if a violation of G.S. 120C is not established by a preponderance of the evidence. If dismissed, the Commission shall provide the following:
  - (a) Notice of Dismissal to respondent; and
  - (b) notice to the complainant that the complaint was dismissed because a violation was not established by a preponderance of the evidence. The complainant shall not receive a copy of the Notice of Dismissal.
- (5) determine that a violation has occurred and proceed as appropriate under Rule .0501 of this Subchapter.

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