

§ 89E-17. Complaints and investigations.

(a) Any person may file written charges with the Board against any licensee pursuant to rules and regulations adopted by the Board; provided however, **such charges or allegations shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary.** The Board shall have the authority and shall be under a duty to investigate reasonably all valid complaints.

(b) The Board may appoint, employ, or retain investigators for the purpose of examining or inquiring into any acts committed in this State that may violate the provisions of this Chapter, the Board's code of professional conduct, or the Board's rules. The Board may expend funds for salaries and fees in connection with an investigation conducted pursuant to this Chapter.

(c) Investigations by the Board shall be confidential until the Board takes disciplinary action against a licensee or corporate registrant. Records, papers, and other documents containing information collected or compiled by the Board, its members, or employees as a result of an investigation, inquiry, or interview conducted pursuant to this Chapter shall not be a public record within the meaning of Chapter 132 of the General Statutes, except any notice or statement of charges or notice of hearing in any proceeding conducted by the Board and any records, papers, or other documents containing information collected and compiled by the Board and admitted into evidence in a hearing before the Board shall be a public record. (1983 (Reg. Sess., 1984), c. 1074, s. 1; 1999-355, s. 1.)

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(a) As provided in G.S. 89E-17, valid complaints received by the Board shall be forwarded to an investigator for further inquiry as to whether the acts or omissions alleged violate the provisions of G.S. 89E, the Board's code of professional conduct, or any other rules of this Chapter. The Board's executive director shall notify the licensee or corporate registrant of the complaint and advise the licensee or corporate registrant that:

- (1) He has a duty to cooperate fully with the investigation by the Board; and
- (2) He may submit a written response to the complaint.

(b) The investigator shall collect all information needed to determine whether a violation has occurred and the nature and severity of the violation. Information gathered during the course of an investigation shall be treated by the Board as confidential information in accordance with G.S. 89E-17(c) until the Board takes disciplinary action against the licensee or registrant; however, the Board cannot ensure the confidentiality of any information introduced into evidence in a hearing conducted by the Office of Administrative Hearings upon referral from the Board, because the information becomes part of the public record of that agency at the time of introduction.

(c) After collecting information relevant to the complaint, the investigator shall submit a report consisting of the complaint, information gathered in the course of investigation, and the investigator's conclusion to a peer review committee for evaluation. The peer review committee shall consist of at least two professional geologists, each of whom hold a currently valid license issued by the Board.

(d) The investigation report (including, but not limited to, the supporting information relevant to the complaint) and the written evaluation of the peer review committee shall be submitted to the Executive Director of the Board to be combined with the licensee's written response to the complaint, if any, for further proceedings in accordance with Rule .0515 of this Section.

History Note: Authority G.S. 89E-5; 89E-17; 89E-20;
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