

COMPLAINT PROCEDURE

The purpose of this document is to set forth the general procedures for the handling of complaints filed by third parties with the North Carolina Board of Electrolysis Examiners.

1. INVESTIGATOR

The Chairman shall appoint annually a member of the Board to act as a co-investigator for all complaints received by the Board. The Chairman shall also recruit and appoint annually a former Board member, or current licensee, to serve as a co-investigator. Should the Board receive a complaint involving an appointed co-investigator, the Chairman will then appoint a substitute investigator from the remaining Board members, or recruit one from former Board members or current licensees. All appointments must be ratified by the board.

2. RECORD OF COMPLAINT

All complaints must be in writing, be signed, and contain the complainant's name, address, and telephone number, together with the name, address and telephone number of the person against whom the complaint is made. The complaint should provide a specific and detailed summary of the incident, including all evidence in support of the allegation.

3. REVIEW BY STAFF

Upon receipt, the complaint and evidence will be reviewed by the co-investigators, along with legal counsel when appropriate, to determine whether the Board has jurisdiction over the complaint. "Jurisdiction" means the complaint alleges a violation of the statutes or rules over which the Board has authority to act. Sometimes a complaint does not center on a violation that is within the Board's jurisdiction; the co-investigators may then close this case with prejudice. "With prejudice" means that the matter is being formally and finally closed. If the co-investigators find that the Board does have jurisdiction, the co-investigators will then send an initial letter to the person against whom the complaint is filed, along with a copy of the complaint procedure, and request a response within 15 days from receipt of the letter.

4. CONTACT WITH BOARD MEMBERS OR OTHERS

Complaints should not be discussed with any member of the Board, either directly or indirectly, since to do so may disqualify that Board member from hearing the case. Likewise, involved parties should make no attempt to contact each other; all contact should be maintained through the co-investigators.

5. INVESTIGATION

Once the reply has been received and reviewed, the co-investigators, in consultation with legal counsel, will make an initial determination, in writing, as to the merits of the complaint, so as to determine whether there is probable cause to believe that the person against whom the complaint is filed has violated any statute or rule which would justify disciplinary action. The co-investigators may dismiss the complaint with prejudice, require additional information from any involved parties, send Notices of Warning for minor violations, settle the matter through informal means, refer the complaint to the Board for hearing, or dismiss the case without prejudice. “Without prejudice” means that the case may be re-opened if additional evidence is obtained at a later time which substantiates the original allegations. The co-investigators will provide the complaining party with notice as to the outcome of the case.

6. HEARING

Upon recommendation of the co-investigators, complaints will be heard before the Board, pursuant to §150B of the North Carolina General Statutes. The Board member who has acted as co-investigator will not sit as a member of the Board during Hearings. Related parties may be requested to appear and testify at the hearing.