

CHAPTER 60 - BOARD OF REFRIGERATION EXAMINERS

SECTION .0100 - ORGANIZATION AND DEFINITIONS

21 NCAC 60 .0101 STRUCTURE OF BOARD

History Note: Authority G.S. 87-52; 87-54;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. April 1, 1989; December 1, 1987;
Repealed Eff. December 1, 1993.

21 NCAC 60 .0102 OFFICE OF BOARD

- (a) The Board's office and mailing address is 1027 US 70 Highway West, Suite 221, Garner, North Carolina 27529.
- (b) The Board's website is <http://www.refrigerationboard.org>.

History Note: Authority G.S. 87-54;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. June 1, 2015; April 1, 2015; September 1, 2011; August 1, 2004; July 1, 2000; August 1, 1995; December 1, 1993; October 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. January 1, 2018.

21 NCAC 60 .0103 RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES

History Note: Authority G.S. 87-54; 150B-21.6; 150B-38(h);
Eff. February 1, 1981;
Amended Eff. October 1, 1995; April 1, 1989; May 1, 1988; October 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Repealed Eff. January 1, 2018.

21 NCAC 60 .0104 RESERVED FOR FUTURE CODIFICATION

21 NCAC 60 .0105 REFRIGERATION LAW PLUG-IN DEVICES

History Note: Authority G.S. 87-54; 87-58;
Recodified from 21 NCAC 60 .0303 Eff. January 13, 1989;
Repealed Eff. November 1, 1995.

SECTION .0200 - EXAMINATIONS

21 NCAC 60 .0201 DATES OF BOARD MEETINGS

History Note: Authority G.S. 87-54; 87-58;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. April 1, 1989; October 1, 1984; February 1, 1981;
Repealed Eff. August 1, 2004.

21 NCAC 60 .0202 APPLICATION FOR EXAMINATION

21 NCAC 60 .0203 FORM

History Note: Authority G.S. 87-54; 87-64; 150A-11(1);
 Eff. February 1, 1976;
 Readopted Eff. April 17, 1978;
 Amended Eff. February 1, 1981;
 Repealed Eff. October 1, 1984.

21 NCAC 60 .0204 SCORING EXAMINATIONS

History Note: Authority G.S. 87-54; 87-58;
 Eff. February 1, 1976;
 Readopted Eff. April 17, 1978;
 Amended Eff. April 1, 1997; August 1, 1995; October 1, 1984;
 Repealed Eff. August 1, 2004.

21 NCAC 60 .0205 RENEWAL AND REINSTATEMENT FEES

History Note: Authority G.S. 87-54; 87-64;
 Eff. October 1, 1984;
 Repealed Eff. May 1, 1988.

21 NCAC 60 .0206 EXAMINATION APPLICATION DULY FILED

History Note: Authority G.S. 87-54; 87-58;
 Eff. October 1, 1984;
 Repealed Eff. January 1, 2018

21 NCAC 60 .0207 REQUIREMENTS FOR EXAMINATION APPLICANTS

- (a) Applicants requesting to take a refrigeration examination in accordance with Rule .0213 of this Chapter shall:
- (1) Obtain 4,000 hours of refrigeration experience relevant to the classification of licensure desired prior to filing the application. Up to one-half of the experience may be in technical training related to the field of refrigeration contracting; and
 - (2) File with the Board an application on a form provided by the Board together with the non-refundable examination fee as set forth in Rule .0209 of this Section. The form may be obtained on the Board's website (www.refrigerationboard.org) or by requesting a copy from the Board office. The application shall require the following:
 - (A) The Social Security Number of the applicant;
 - (B) The applicant's contact information;
 - (C) The name of the business under which licensee will be operating, if any;
 - (D) The license classification desired;
 - (E) Information indication whether the applicant has any disciplinary history with any other occupational licensing board or agency;
 - (F) Record of refrigeration experience and education; and
 - (G) Supervisor(s) statement verifying experience.
- (b) Applicants who pass the examination shall receive a certificate issued by the Board bearing his or her license number. The license shall not be assigned or transferred to another individual.
- (c) An individual holding a valid transport or service contractor refrigeration license shall be eligible to sit for the commercial refrigeration examination upon filing with the Board an application as required in Paragraph (a) of this Rule.
- (d) An applicant may be licensed in more than one classification of refrigerating contracting provided the applicant meets the qualifications for the classifications as set forth in this Rule, including passing the examinations for the classifications desired.

History Note: Authority G.S. 93B-14; 87-54; 87-58;
 Eff. October 1, 1984;

Amended Eff. August 1, 2004, July 1, 2000; April 1, 1997; December 1, 1993; April 1, 1989; September 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. January 1, 2018.

21 NCAC 60 .0208 EXAMINATION REVIEW

An applicant who fails an examination or any portion of the examination shall have the opportunity to review any incorrect answers immediately following the examination.

History Note: Authority G.S. 87-54; 87-58(d); 93B-8(c);
Eff. May 1, 1988;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0209 FEES

Fees shall be set as follows:

- (1) Examination application -- \$100.00;
- (2) License renewal -- \$80.00; and
- (3) License reinstatement -- \$120.00.

History Note: Authority G.S. 54; 87-58(d); 87-64;
Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. January 1, 2018.

21 NCAC 60 .0210 SPECIAL EXAMINATION

History Note: Authority G.S. 87-54; 87-58(d); 93B-8(c);
Eff. December 1, 1993;
Repealed Eff. August 1, 2004.

21 NCAC 60 .0211 CERT REQUIREMENTS OF EPA: ISSUANCE OF CERT LICENSES BY BOARD

- (a) All licensed refrigeration contractors and technicians as defined in 40 CFR 82.161 who handle refrigerants as stated in the Act and regulations must be certified by an EPA-Approved Technician's Certification Program effective November 14, 1994.
- (b) The State Board of Refrigeration Examiners shall issue a license or certification to contractors and technicians who can document successful completion of an EPA-Approved Course and Examination.

History Note: Authority G.S. 87-52; 87-54; 87-58; 42 U.S.C. 7671g(a); 40 C.F.R. 82.161;
Eff. February 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0212 QUALIFYING EXAMINATIONS

History Note: Authority G.S. 87-54; 87-58;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Repealed Eff. January 1, 2018.

21 NCAC 60 .0213 EXAMINATIONS

- (a) Upon approval to take an examination in accordance with Rule .0207 of this Chapter, the Board shall schedule and notify the approved applicant of the date, time, and place of the examination.
- (b) Refrigeration Contractors Examinations shall be divided as follows:
 - (1) Commercial and Industrial shall be divided into four parts; and
 - (2) Service and Transport refrigeration shall be divided into three parts.
- (c) All examinations shall be written or computer based.
- (d) In order to pass the examination, an applicant shall obtain a grade of at least 70 percent of each part. An applicant shall pass all parts of the examination within the same one year period and within no more than three consecutive attempts. Each time an applicant takes the examination, the applicant shall take all parts for which he or she does not have passing grades. If the applicant fails to pass all parts within one year or within three consecutive attempts (whichever period is shorter), any passing grades for individual parts shall no longer be valid and the applicant shall retake all parts of the examination.
- (e) An applicant who fails an examination must wait a period of five business days from the date he or she last failed an examination before he or she will be eligible to take another examination.
- (f) Each applicant who fails an examination shall be notified of his or her scores and the parts of the examination he or she failed.
- (g) An applicant who fails to appear at a scheduled examination shall have the no show count toward the three attempts described in Paragraph (d) of this Rule unless notice is given five business days prior to the scheduled examination.
- (h) If an applicant files an application for examination that is approved, and takes and fails the examination, his or her verification of refrigeration experience shall be kept and shall be sufficient for taking any future examination, provided he or she files another application accompanied by the required fee as set forth in these Rules.

*History Note: Authority G.S. 87-54; 87-58;
 Eff. August 1, 2004;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
 Amended Eff. January 1, 2018.*

21 NCAC 60 .0214 LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE

- (a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license to the applicant who satisfies the following conditions:
 - (1) submits an Application for License to Practice Refrigeration Contracting, as set forth in Rule .0206 of this Section. The application is available on the website at <http://www.refrigerationboard.org/applytotakeexam/application>;
 - (2) submits a license fee in accordance with G.S. 87-64 and Rule .0209 of this Section;
 - (3) provides documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2), as set forth on <http://refrigerationboard.org/applytotakeexam/military.html>; and
 - (4) provides documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed.
- (b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license to the applicant who satisfies the following conditions:
 - (1) submits an Application for License to Practice Refrigeration Contracting, as set forth in Rule .0206 of this Section. The application is available on the website at <http://www.refrigerationboard.org/applytotakeexam/application>;
 - (2) submits a license fee in accordance with G.S. 87-64 and Rule .0209 of this Section;
 - (3) submits written documentation demonstrating that the applicant is married to an active member of the U.S. military;
 - (4) provides documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2), as set forth on <http://refrigerationboard.org/applytotakeexam/military.html>;
 - (5) provides documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed; and
 - (6) is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

History Note: Authority G.S. 93B-15.1;
Eff. February 1, 2015.

SECTION .0300 - LICENSES AND FEES

21 NCAC 60 .0301 REGISTER OF LICENSEES
21 NCAC 60 .0302 DESCRIPTION OF FORMS

History Note: Authority G.S. 87-54; 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. October 1, 1984; February 1, 1981;
Repealed Eff. May 1, 1988.

21 NCAC 60 .0303 REFRIGERATION LAW PLUG-IN DEVICES

History Note: Authority G.S. 87-54; 87-58;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. May 1, 1988; October 1, 1984;
Recodified to Rule .0105 Eff. January 13, 1989.

21 NCAC 60 .0304 RENEWALS AND REINSTATEMENTS

Refrigeration license/reinstatement notices are sent out to all licensees on or about October 31 of each year. On or about January 15, each person who has not applied for the renewal of his license is notified that his license has lapsed and is sent a letter instructing him to apply for the reinstatement of his license. On or about February 1, those lapsed licensees who have not replied to the above letter are sent another letter by certified mail notifying them that their license has lapsed and that it is unlawful to engage further in the business of refrigeration contracting.

History Note: Authority G.S. 87-54; 87-64;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0305 FORM: RENEWAL APPLICATION

History Note: Authority G.S. 87-54; 150B-11;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. May 1, 1988.

21 NCAC 60 .0306 FORM: REINSTATEMENT APPLICATION
21 NCAC 60 .0307 PROBLEMS AND COMPLIANCE
21 NCAC 60 .0308 REINSTATEMENT AFTER SUSPENSION

History Note: Authority G.S. 87-54; 87-59; 87-64;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

21 NCAC 60 .0309 FORM: REINSTATEMENT APPLICATION

History Note: Authority G.S. 87-54; 87-64; 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Amended Eff. February 1, 1981;
Repealed Eff. May 1, 1988.

21 NCAC 60 .0310 LOST OR DESTROYED CERTIFICATES

A lost or destroyed refrigeration license certificate may be reissued at no cost for a current year, upon receipt of a written request from the licensee stating the reason for his requesting a new certificate.

History Note: Authority G.S. 87-54; 87-60;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0311 PERMITS

- (a) The refrigeration license number of the licensee shall appear on all applications for permits.
- (b) A licensee shall assure that a permit is obtained from the local Building Code enforcement official before commencing any installation work for which a license is required by the Board. The licensee shall also assure that a request for final inspection is made within 10 days of subsequent completion of the work for which a license is required, absent agreement with the owner and the local Building Code enforcement official.
- (c) A licensee shall obtain permits and allow his number to appear on permits only for work over which he will provide general supervision until the completion of the work, for which he holds the contract and for which he receives all contractual payments.
- (1) General supervision is that degree of supervision which is necessary and sufficient to ensure that the work is performed in a competent manner and with the requisite skill and that the work is done timely, safely and in accordance with applicable codes and rules. General supervision requires that the review of the work be performed in person by the licensee while the work is in progress.
 - (2) Each business office for which a licensee is responsible shall be actively and locally supervised by that licensee who shall have primary responsibility and a corresponding amount of time personally involved in the work contracted for or performed by that office.

History Note: Authority G.S. 87-54; 87-58(g);
Eff. May 1, 1988;
Amended Eff. August 1, 2004; July 1, 2000; April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0312 CHANGE OF TRADE NAME

The trade name under which a license is issued may be changed upon request to and approval by the Board. The last license issued to the licensee must be returned to the Executive Director along with the form provided by the Board.

History Note: Authority G.S. 87-54; 87-60;
Eff. December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0313 PROCESSING FEE FOR SUBMITTAL OF BAD CHECK

Any person or firm submitting to the Board a check which is subsequently returned to the Board because of insufficient funds in or no account at a bank will be charged the maximum processing fee allowed by G.S. 25-3-512. Until such time as the payer of such a bad check has made the check good and paid the prescribed processing fee, the payer will not be eligible to take an examination, obtain a license or have a license renewed.

History Note: Authority G.S. 87-54; 87-63;
Eff. December 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0314 USE OF LICENSE

- (a) The licensed contractor shall not permit the use of his license by any other person.
- (b) All refrigeration contracting business, including all business advertising and the submission of all documents and papers by a licensee of the Board shall be conducted in the exact name in which the refrigeration contracting license is issued.
- (c) Should a licensee terminate his relationship from a company in which his license is issued, work begun prior to such termination may be completed under such conditions as the Board shall direct subject to the following conditions deemed applicable by the Board under the unique facts and circumstances of each instance:
- (1) the percentage of the project completed;
 - (2) the time that may elapse before another licensee can be employed for the project;
 - (3) the size and complexity of the project;
 - (4) the experience and qualifications of remaining personnel;
 - (5) any prior disciplinary record the company involved licensees has with the Board;
 - (6) the financial accountability of the firm;
 - (7) whether or not the remaining firm has any other occupational licenses.

However, no work for which a license is required under G.S. 87-58 may be bid for, contracted for or initiated prior to said company obtaining a license.

History Note: Authority G.S. 87-54; 87-57;
Eff. December 1, 1993;
Amended Eff. April 1, 1997; August 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .0316 CHANGE OF ADDRESS

All licensees shall notify the Board in writing within 30 days of any change of address or business location.

History Note: Authority G.S. 87-58;
Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

SECTION .0400 - BOARD PERSONNEL

21 NCAC 60 .0401 SUPERVISION OF STAFF

21 NCAC 60 .0402 QUALIFICATIONS FOR EMPLOYMENT

History Note: Authority G.S. 87-54; 150B-11(1);
Eff. February 1, 1976;
Readopted April 17, 1978;
Amended Eff. February 1, 1981;
Repealed Eff. May 1, 1988.

21 NCAC 60 .0403 SALARY REVIEW COMMITTEE

21 NCAC 60 .0404 SALARIES AND FRINGE BENEFITS

History Note: Authority G.S. 87-54; 150B-11(1);
Eff. February 1, 1981;
Amended Eff. October 1, 1984;
Repealed Eff. May 1, 1988.

SECTION .0500 - PETITIONS FOR RULES

21 NCAC 60 .0501	PETITION FOR RULEMAKING HEARINGS
21 NCAC 60 .0502	CONTENTS OF PETITION
21 NCAC 60 .0503	DISPOSITION OF PETITIONS

History Note: Authority G.S. 87-54; 150A-16;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

SECTION .0600 - NOTICE OF RULEMAKING HEARINGS

21 NCAC 60 .0601	TIMING OF NOTICE
21 NCAC 60 .0602	NOTICE MAILING LIST
21 NCAC 60 .0603	ADDITIONAL INFORMATION

History Note: Authority G.S. 87-54; 150A-12(a)(2); 150A-12(b); 150A-12;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

SECTION .0700 - RULEMAKING HEARINGS

21 NCAC 60 .0701	REQUEST TO PARTICIPATE
21 NCAC 60 .0702	CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS
21 NCAC 60 .0703	RECEIPT OF REQUEST: SPECIFICATION LIMITS
21 NCAC 60 .0704	WRITTEN SUBMISSIONS
21 NCAC 60 .0705	PRESIDING OFFICER: POWERS AND DUTIES
21 NCAC 60 .0706	STATEMENT OF REASONS FOR DECISION
21 NCAC 60 .0707	RECORD OF PROCEEDINGS
21 NCAC 60 .0708	EMERGENCY RULES

History Note: Authority G.S. 87-54; 150A-11; 150A-12(a),(e); 150A-13;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

SECTION .0800 - DECLARATORY RULINGS

21 NCAC 60 .0801	SUBJECTS OF DECLARATORY RULINGS
21 NCAC 60 .0802	SUBMISSION OF REQUEST FOR RULING
21 NCAC 60 .0803	DISPOSITION OF REQUESTS
21 NCAC 60 .0804	RECORD OF DECISION
21 NCAC 60 .0805	DEFINITION

History Note: Authority G.S. 87-54; 150A-11; 150A-17;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

SECTION .0900 - ADMINISTRATIVE HEARING PROCEDURES

21 NCAC 60 .0901	RIGHT TO HEARING
21 NCAC 60 .0902	REQUEST FOR HEARING
21 NCAC 60 .0903	GRANTING OR DELAYING HEARING REQUESTS
21 NCAC 60 .0904	NOTICE OF HEARING
21 NCAC 60 .0905	WHO SHALL HEAR CONSENT CASES
21 NCAC 60 .0906	PETITION FOR INTERVENTION
21 NCAC 60 .0907	TYPES OF INTERVENTION
21 NCAC 60 .0908	DISQUALIFICATION OF HEARING OFFICERS

History Note: Authority G.S. 87-54; 150A-2(2); 150A-23(a) through 150A-23(d); 150A-32; 1A-1, Rule 24;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

SECTION .1000 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS AND PROCEDURES

21 NCAC 60 .1001	FAILURE TO APPEAR
21 NCAC 60 .1002	SIMPLIFICATION OF ISSUES
21 NCAC 60 .1003	SUBPOENAS
21 NCAC 60 .1004	FINAL DECISION OF ADMINISTRATIVE HEARINGS
21 NCAC 60 .1005	PROPOSALS FOR DECISIONS

History Note: Authority G.S. 87-54; 150A-25(a); 150A-27; 150A-31; 150A-33; 150A-34(a); 150A-43;
Eff. February 1, 1976;
Readopted Eff. April 17, 1978;
Repealed Eff. February 1, 1981.

SECTION .1100 - DISCIPLINARY ACTION

21 NCAC 60 .1101 GENERAL

History Note: Authority G.S. 87-59; 87-63; 150B-11(1);
Eff. February 1, 1981;
Repealed Eff. April 1, 1989.

21 NCAC 60 .1102 PREFERRING CHARGES

(a) Any person who believes that any refrigeration contractor is in violation of the provisions of G.S. 87-59 may prefer charges against such contractor by setting forth the charges in writing with particularity including, but not limited to, the date and place of the alleged violation. Such charges shall be signed and sworn to by the party preferring such charges and filed with the Executive Director of the State Board of Refrigeration Examiners at the office of the Board, Suite 208, 893 Highway 70 West, Garner, North Carolina 27529.

(b) A licensee who prefers charges against a refrigeration contractor shall cooperate with the Board in its investigation of the complaint including the execution of an affidavit covering their knowledge of the facts and circumstances concerning the complaint, if required, and participate in any legal action authorized by the Board if requested by the Board or its representative.

(c) A licensee shall fully cooperate with the Board in connection with any inquiry it shall make. Full cooperation includes responding in a timely manner to all inquiries of the Board or representative of the Board and claiming Board correspondence from the U.S. Postal Service.

History Note: Authority G.S. 87-59;
Eff. February 1, 1981;
Amended Eff. August 1, 2004; July 1, 2000; August 1, 1995; December 1, 1993; April 1, 1989; December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .1103 PRELIMINARY DETERMINATION

- (a) A charge, filed under Rule .1102 of this Section, shall be referred initially to a review committee.
- (b) The review committee shall be made up of the following individuals:
 - (1) one officer, other than the Chairman, of the State Board of Refrigeration Examiners,
 - (2) the legal counsel of the Board,
 - (3) the Executive Director of the State Board of Refrigeration Examiners.
- (c) The review committee shall have the authority to determine prior to a full Board hearing whether or not charges filed against a refrigeration contractor are unfounded, frivolous or trivial. The determination of the review committee shall be final in this respect.
- (d) Once a charge is referred to the review committee a written notice of said charge shall be forwarded to the licensee against whom the charge is made. Notice of the charge and of the alleged facts and circumstances surrounding the charge shall be given personally or by registered or certified mail, return receipt requested. A response to said charges shall be requested of the licensee so charged and shall be made within twenty days from the date shown on the return mail certificate or date of personal notice.
- (e) If the licensee denies the charges brought against him, then in the sole discretion of the review committee, additional investigative personnel may be retained by the Board for the purpose of obtaining evidence relating to such charges. The reasonable expenses of any such additional personnel shall be borne by the Board.
- (f) After all preliminary evidence has been received by the review committee it shall make a preliminary determination of the charges filed against the refrigeration contractor. From the evidence it may recommend to the Board that:
 - (1) the charges be dismissed as unfounded, frivolous, trivial; or
 - (2) when the charge is admitted by the licensee or the evidence warrants, the Board be presented with the charge for its decision. If the charge is of such gravity as to make the imposition of punitive sanctions likely, the Board may administer one or more of the following penalties if the licensee is found to have violated the provisions of Article 5 of Chapter 87 of the General Statutes;
 - (A) Reprimand;
 - (B) Suspension from practice for a period not to exceed 12 months;
 - (C) Probationary revocation of license upon conditions set by the Board as the case shall warrant with revocation upon failure to comply with the conditions; or
 - (D) Revocation of license; or
 - (E) An acceptance of an offer in compromise of the charge, as provided by G.S. 87-59(d).
 - (3) if the charge is denied and evidence warrants, or if the charge, while admitted, is of such gravity as to make the imposition of punitive sanctions likely, the charge be presented to the Board for its decision on the merits of the charge in accordance with G.S. 150B. In connection with any such reprimand and subsequent order the Board may also provide that in the event the licensee is determined to have violated in the future any of the provisions of G.S. 87, Article 5, the Board may suspend or revoke his license as prescribed by law.

History Note: Authority G.S. 87-57; 87-59; 150B-38;
Eff. February 1, 1981;
Amended Eff. November 1, 1995; December 1, 1993; April 1, 1989; May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 60 .1104 JUDICIAL REVIEW

History Note: Authority G.S. 87-59; 87-63; 150B-11(1);150B-43;
Eff. February 1, 1981;

Amended Eff. May 1, 1988;
Repealed Eff. April 1, 1989.