10A NCAC 63C .0203 is proposed for readoption with substantive changes as follows:

10A ncac 63c .0203 ~~SUSPEND: TERMINATE LINCENSE:~~ suspension or termination of LICENSE and REMOVAL FROM business enterprises facility

(a) The Division may suspend or terminate the license of an operator, after affording the operator an opportunity ~~for~~ to appeal the decision as set forth in Section.0400. ~~a full evidentiary hearing, when it finds that his facility is not being operated in accordance with the rules and regulations; with the terms and conditions of the agreement, contract, or permit between the Division and the sponsor of the building or site upon which the Business Enterprises facility is located; or with the terms of the contract between the operator and the Division relating to the particular assignment.~~

~~(b) An operator may be warned prior to suspension or termination of a license, particularly in situations where lack of compliance is not determined by the Division to pose an immediate threat to the general public or to bring discredit or irreparable damage to the Business Enterprises Program.~~

(b) The license of a licensee shall be terminated if the licensee’s vision is improved by conventional means to the point at which the licensee is not legally blind.

(c) The license of an operator shall be terminated if the operator’s vision is improved by conventional means to the point at which the operator is not legally blind.

~~(c)~~(d) Licenses to operators may also be suspended or terminated for any of the following reasons:

~~(1) Vision improves so that the operator is no longer eligible for licensing;~~

~~(2)~~(1) ~~Extended illness~~ extended illness, defined as lasting at least three months, occurs with medically documented diagnosis of prolonged incapacity of the operator to manage the Business Enterprises facility in a manner consistent with the needs of the location or other available locations in the Business Enterprises Program;

~~(3)~~(2) ~~Withdrawal~~ withdrawal of the operator from the program upon his written notification to the Division;

~~(4) Gross misconduct or conduct so reprehensible as to bring discredit to the program;~~

~~(5)~~(3) ~~Conviction~~ conviction of a ~~felony (Class A through E);~~ misdemeanor involving crimes of dishonesty or any felony;

~~(6)~~(4) ~~Falsified~~ falsified information pertaining to eligibility requirements;

~~(7)~~(5) ~~Willful~~ willful acts that would endanger the lives and property of others;

~~(8)~~(6) Possession of firearms or lethal weapons on ~~the job;~~ site at a Business Enterprises facility;

~~(9)~~(7) ~~Reporting~~ reporting to Business Enterprises assignment under the influence of alcohol or any controlled substance or partaking of such on the job~~.~~;

(8) failing to personally operate the awarded facility as set forth in the operator agreement and permit or contract with the host facility unless prior written approval to operate the facility in another manner has been obtained from the Division;

(9) failing to pay fees to the Controller’s Office by the 15th day of the month following the month in which the business was transacted three times during the calendar year;

(10) failing to preserve required financial and other records with the Division as required by this Subchapter;

(11) failing to cooperate with record keeping reviews conducted by the Division;

(12) failing to cooperate with audits conducted by state or federal agencies;

(13) failing to maintain bonding, liability and workers compensation insurance coverage as required by law or policy;

(14) using Business Enterprises equipment and or facility to operate another business;

(15) failing to maintain facility equipment in a sanitary and operable condition within the scope of the operator’s level of maintenance authorization;

(16) removing facility equipment without written authorization from the Division;

(17) failing to comply with federal or state law prohibiting discrimination in hiring and service to customers; and

(18) failing to comply with the operator’s responsibilities in this Subchapter or the operator’s agreement.

(d) Suspension may be used when an apparent action or lack of action by an operator is not serious enough in the opinion of the Division to warrant termination of the license. The length of the suspension shall vary with the seriousness of the situation, but shall not exceed a maximum of 60 days.

History Note: Authority G.S. 111‑27; 34 C.F.R. 395.7; 20 U.S.C. Sec. 107;

Eff. October 1, 1978;

Amended Eff. August 1, 2002; February 1, ~~1986.~~ 1986;

Readopted Eff. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.